

Bernalillo County Sheriff's Department  
\* Rules and Procedures \*

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Effective Date: March 1, 2012

**LAW ENFORCEMENT CODE OF ETHICS**

The Bernalillo County Sheriff's Department has adopted the following Code of Ethics for all Bernalillo County Sheriffs' Deputies and all Bernalillo County Special Deputies, who will swear to this Code of Ethics upon receipt of their Commissions.

**CODE OF ETHICS OF THE POSITION OF DEPUTY SHERIFF**

As a Deputy Sheriff, I recognize that I am given a special trust and confidence by the Sheriff and the public that I serve. This trust and confidence is my bond to ensure that I shall behave and act according to the highest professional principles. In furtherance of this pledge, I will abide by the following Code of Ethics:

I SHALL ENSURE that in the performance of my duties, I will enforce and administer the law according to the principles of the United States Constitution and applicable laws of our state, so that equal protection of the law and due process are guaranteed to everyone. To that end, I shall not permit personal opinions, biases, prejudices, party affiliation, or consideration of the status of others to alter or lessen these principles.

I SHALL DEMONSTRATE standards of behavior consistent with the responsibilities, duties, obligations, and functions of a Deputy Sheriff.

I SHALL NOT ENGAGE IN NOR CONDONE brutal, cruel, or inhumane treatment of others or of inmates in my care and custody.

I SHALL ADHERE, at all times, to the standards and principles of honesty and integrity, and I shall keep my private life unsullied as an example to all.

I SHALL ENSURE that there is proper use and accountability of property and funds entrusted to my care.

I SHALL PRACTICE sound judgments and decisions in fulfilling the assigned responsibilities, duties and functions of my position as Deputy Sheriff.

I SHALL ENDEAVOR to maintain those standards of objectivity and merit for which I was hired, to the best of my ability.

I SHALL ENDEAVOR to perform my duties in a competent and excellent manner according to the standards given to me in my training and supervision.

I SHALL ENSURE that during my tenure I shall not use the position of Deputy Sheriff for personal gain or self-aggrandizement, and I will conduct myself in the position of Deputy Sheriff according to the best of my skill and power.

I ACCEPT and will adhere to this Code of Ethics. In so knowing I also accept responsibility for encouraging others in my profession to abide by this Code.

Bernalillo County Sheriff's Department  
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**POLICE OFFICERS BILL OF RIGHTS**

IT IS THE POLICY OF THIS DEPARTMENT TO ABIDE BY THE STATE OF NEW MEXICO  
PEACE OFFICER'S EMPLOYER - EMPLOYEE RELATIONS ACT 29-14-1 TO 29-14-11  
NMSA 1978. IN ACCORDANCE WITH THIS STATUTE, "PEACE OFFICER" OR  
"OFFICER" MEANS ANY EMPLOYEE OF A POLICE OR SHERIFF'S DEPARTMENT THAT IS  
PART OF/OR ADMINISTERED BY THE STATE OR ANY POLITICAL SUBDIVISION OF THE  
STATE WHO IS RESPONSIBLE FOR THE PREVENTION AND DETECTION OF CRIME AND  
THE ENFORCEMENT OF THE PENAL, TRAFFIC OR HIGHWAY LAWS OF THE STATE.

Bernalillo County Sheriff's Department  
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Effective date: January 1, 2015

**RESPONSIBILITY OF ALL DEPARTMENT PERSONNEL**

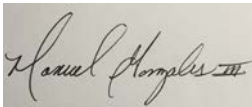
It shall be the duty of all personnel to familiarize themselves with the contents of these manuals and conduct themselves in accordance with their precepts. Ignorance or misunderstanding of any of the provisions of the manuals will not be accepted as a defense against disciplinary charges.

The duties of each activity shall be made known to all throughout this organization. Lines of command are shown on the organizational chart and make it possible for anyone in this organization to contact the proper authority for action or decision on any problem.

**AUTHORITY**

By virtue of the authority vested in me as Sheriff of Bernalillo County, and in coordination with the Board of County Commissioners, this Standard Operating Procedures Manual is hereby adopted for the government and discipline of the Bernalillo County Sheriff's Department.

This Manual shall become effective January 1, 2015, and replaces all preceding Standard Operating Procedures Manuals issued by the Bernalillo County Sheriff's Department. Revisions and new policies issued after this date will be distributed in an expedient manner.



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Manuel Gonzales III  
Sheriff  
Bernalillo County

Effective Date: March 6, 2017

## CHAIN OF COMMAND

### SHERIFF

MANUEL GONZALES III

### OPERATIONS SECTION UNDERSHERIFF

GREG REES

### ADMINISTRATIVE SECTION UNDERSHERIFF

RUDY MORA

### CHIEF DEPUTIES

### CRIMINAL INVESTIGATIONS BUREAU

BRIAN LINDLEY

### OPERATIONS BUREAU

RAY CHAVEZ

### ADMINISTRATIVE SUPPORT BUREAU

SHUREKE COVINGTON



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**2000 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
00-SOP-1	<u>03/17/00</u>	<u>INDEX</u>
00-SOP-2	<u>03/17/00</u>	<u>100.00 CHAIN OF COMMAND</u>
00-SOP-3	<u>03/17/00</u>	<u>103.00 COMMANDING OFFICERS DUTIES</u>
00-SOP-4	<u>03/17/00</u>	<u>104.00 SUPERVISORS DUTIES</u>
00-SOP-5	<u>03/17/00</u>	<u>108.00 RESERVES AND RANGERS</u>
00-SOP-6	<u>03/17/00</u>	<u>109.00 PERSONNEL, CODE OF CONDUCT</u>
00-SOP-7	<u>03/17/00</u>	<u>111.00 PUBLIC INFORMATION</u>
00-SOP-8	<u>03/17/00</u>	<u>200.00 ADMINISTRATIVE ORDERS</u>
00-SOP-9	<u>03/17/00</u>	<u>202.00 CORRESPONDENCE</u>
00-SOP-10	<u>03/17/00</u>	<u>203.00 MORNING REPORT</u>
00-SOP-11	<u>03/17/00</u>	<u>205.00 FISCAL MANAGEMENT AND PERSONNEL</u>
00-SOP-12	<u>03/17/00</u>	<u>206.00 DEPARTMENT PROPERTY AND INVENTORY</u>
00-SOP-13	<u>03/17/00</u>	<u>207.00 LEAVE REQUESTS</u>
00-SOP-14	<u>03/17/00</u>	<u>209.00 OVERTIME/FEES</u>
00-SOP-15	<u>03/17/00</u>	<u>210.00 STANDBY PAY</u>
00-SOP-16	<u>03/17/00</u>	<u>211.00 MEAL BREAKS</u>
00-SOP-17	<u>03/17/00</u>	<u>215.00 ALLOCATION OF PERSONNEL</u>
00-SOP-18	<u>03/17/00</u>	<u>216.00 DUTY ASSIGNMENTS/TRANSFERS</u>
00-SOP-19	<u>03/17/00</u>	<u>220.00 PERFORMANCE APPRAISALS</u>
00-SOP-20	<u>03/17/00</u>	<u>221.00 PROMOTIONS (1<sup>ST</sup> PG)</u>
00-SOP-21	<u>03/17/00</u>	<u>226.00 INTERNAL AFFAIRS</u>

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00-SOP-22	03/17/00	227.00 ACCIDENT REVIEW COMMITTEE
00-SOP-23	03/17/00	228.00 DRUG ANALYSIS (1 <sup>ST</sup> PG)
00-SOP-24	03/17/00	229.00 COMMUNICABLE DISEASES
00-SOP-25	03/17/00	233.00 HARRASSMENT IN THE WORKPLACE
00-SOP-26	03/17/00	234.00 ACCIDENT/INJURY/PERSONAL EQUIP.
00-SOP-27	03/17/00	235.00 LINE OF DUTY DEATH
00-SOP-28	03/17/00	236.00 UNIFORM/EQUIPMENT
00-SOP-29	03/17/00	237.00 GROOMING/DRESS STANDARDS
00-SOP-30	03/17/00	239.00 COURT APPEARANCE (1 <sup>ST</sup> PG)
00-SOP-31	03/17/00	243.00 RECRUITMENT/SELECTION
00-SOP-32	03/17/00	246.00 FIREARMS/QUALIFICATIONS/ AMMUNITION
00-SOP-33	03/17/00	248.00 USE OF TAPE RECORDERS
00-SOP-34	03/17/00	SECTION III, TABLE OF CONTENTS
00-SOP-35	03/17/00	300.00 EMERGENCY VEHICLES
00-SOP-36	03/17/00	301.00 VEHICLE OPERATIONS
00-SOP-37	03/17/00	304.00 TRAFFIC HAZARDS (LAST PG)
00-SOP-38	03/17/00	305.00 TRAFFIC ENFORCEMENT
00-SOP-39	03/17/00	309.00 COMMUNICATIONS
00-SOP-40	03/17/00	314.00 USE OF FORCE
00-SOP-41	03/17/00	315.00 TRANSPORTATION OF PRISONERS
00-SOP-42	03/17/00	316.00 BOOKING PROCEDURES
00-SOP-43	03/17/00	317.00 EVIDENCE/CONTRABAND
00-SOP-44	03/17/00	318.00 EMERGENCY/HOSPITAL/AMBULANCES
00-SOP-45	03/17/00	320.00 CRIME SCENE PROCEDURES
00-SOP-46	03/17/00	321.00 SEARCH WARRANTS

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00-SOP-47	03/17/00	322.00 ABUSE, NEGLECT, OR EXPLOITATION INVESTIGATION (1 <sup>ST</sup> PG)
00-SOP-48	03/17/00	329.00 TRAFFIC UNIT
00-SOP-49	03/17/00	330.00 CANINE UNIT
00-SOP-50	03/17/00	331.00 CIVIL PROCESS
00-SOP-51	03/17/00	333.00 EXTRADITIONS SECTION (LAST PG)
00-SOP-52	03/17/00	334.00 WARRANTS SECTION
00-SOP-53	03/17/00	339.00 BUILDING SECURITY (LAST PG)
00-SOP-54	03/17/00	340.00 DOMESTIC VIOLENCE
00-SOP-55	03/17/00	341.00 VICTIM/WITNESS ASSISTANCE (1 <sup>ST</sup> PG)
00-SOP-56	03/17/00	343.00 DESTRUCTION OF ANIMALS
00-SOP-57	03/17/00	344.00 JURISDICTION/MUTUAL AID
00-SOP-58	03/17/00	346.00 CIVILIAN RIDE ALONG

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**2001 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
01-SOP-01	<u>05/14/01</u>	<u>INDEX</u>
01-SOP-02	<u>05/14/01</u>	<u>100.00 CHAIN OF COMMAND (PGS. 3,4,9-11)</u>
01-SOP-03	<u>05/14/01</u>	<u>109.00 CODE OF CONDUCT (PGS. 4-9)</u>
01-SOP-04	<u>05/14/01</u>	<u>112.00 GANG UNIT (ADDED SECTION)</u>
01-SOP-05	<u>05/14/01</u>	<u>308.00 HAZARDOUS MATERIALS (PGS 1-20)</u>
01-SOP-06	<u>05/14/01</u>	<u>314.00 USE OF FORCE (PGS 1-6)</u>
01-SOP-07	<u>05/14/01</u>	<u>322.00 ABUSE, NEGLECT, OR EXPLOITATION</u> <u>INVESTIGATION (ADDED PGS.8-12)</u>
01-SOP-08	<u>05/14/01</u>	<u>326.00 CHILD ABDUCTION (ADDED SECTION)</u>
01-SOP-09	<u>05/14/01</u>	<u>340.00 DOMESTIC VIOLENCE (PGS. 2,4-6)</u>
01-SOP-10	<u>12/11/01</u>	<u>313.00 ARREST/ FOREIGN NATIONALS (ADDED)</u>
01-SOP-11	<u>12/11/01</u>	<u>330.00 K-9 / (ADDED) - SECURITY</u> <u>PROVISIONS, RECORD KEEPING, CHECKOUT</u> <u>OF CONTROLLED SUBSTANCES, LOSS REPORTING,</u> <u>ROTATION OF TRAINING AIDS</u>
01-SOP-12	<u>12/11/01</u>	<u>237.00 / CIVILIAN SUPPORT STAFF (REVISED)</u>
01-SOP-13	<u>12/11/01</u>	<u>240.00 / "RULES AND PROCEDURES" DELETED</u> <u>C., #2.</u>
01-SOP-14	<u>12/11/01</u>	<u>206.00 / ADDED: PERSONALLY OWNED PROPERTY</u>



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**2003 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
03-SOP-01	<u>02/07/03</u>	<u>246.00 FIREARMS/AMMUNITION (REPLACE)</u>
03-SOP-02	<u>02/07/03</u>	<u>CHAIN OF COMMAND - PAGE III OF SOP</u>
03-SOP-03	<u>02/07/03</u>	<u>RESP. OF ALL DEPT. PERS. - PAGE XI</u>
03-SOP-04	<u>02/07/03</u>	<u>202.00- REVISION CORRESPONDENCE FORMAT</u>
03-SOP-05	<u>02/07/03</u>	<u>226.00 - INT. AFFAIRS INVES., (C.)</u>
03-SOP-06	<u>02/07/03</u>	<u>314.00 - DEPARTMENTAL RESPONSE (B.),</u>
03-SOP-	<u></u>	<u>ADDED SECTION: INVESTIGATIVE PROCESS</u>
03-SOP-	<u></u>	<u>FOR INFORMAL COMPLAINTS</u>
03-SOP-08	<u>02/07/03</u>	<u>236.00 - UNIFORMS - JACKETS (A.),</u>
03-SOP-	<u></u>	<u>ADDED: GERBER DUTY JACKET</u>
03-SOP-09	<u>05/19/03</u>	<u>202.00 - CORRES. FORMAT-A, A-1., D, &amp; E</u>
03-SOP-10	<u>05/19/03</u>	<u>248.00 - TAPE RECORDERS (<b>Bolded</b> areas)</u>
03-SOP-11	<u>05/19/03</u>	<u>236.00 - UNIFORMS/EQUIPMENT (<b>Bolded</b>)</u>
03-SOP-12	<u>05/19/03</u>	<u>314.00 - USE OF FORCE - ELEC. RESTRAINT</u>
03-SOP-	<u></u>	<u>D., (typo) revised "Legal" to "Lethal"</u>
03-SOP-13	<u>06/13/03</u>	<u>302.00 -SUPERV. RESP., ADDED SECTION D.</u>
03-SOP-14	<u>08/01/03</u>	<u>313.00 - BOOKING ON THE BASIS OF A</u>
03-SOP-	<u></u>	<u>WARRANT ISSUED: A. (<b>Bolded</b> areas)</u>
03-SOP-	<u></u>	<u></u>

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	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
03-SOP-15	08/01/03	311.00 - Added under DEFINITIONS -
03-SOP-		( <b>bolded</b> ) & Added ABANDONED VEHICLES ON
03-SOP-		PUBLIC PROPERTY Section ( <b>bolded</b> )
03-SOP-16	10/07/03	349.00 - NEW SECTION
03-SOP-17	10/07/03	349.00 - Added to SOP Index
03-SOP-18	10/07/03	349.00 - Added to SOP 300.00's Index
03-SOP-19	10/07/03	315.00 - Added C., VIOLENT and COMBATIVE
03-SOP-		PRISONERS ( <b>bolded</b> )
03-SOP-20	11/17/03	314.00 - Section: USE OF ELECTRONIC
03-SOP-		RESTRAINT DEVICE - Additions &
03-SOP-		Modifications ( <b>bolded</b> )
03-SOP-	11/17/03	340.00 - Section: RELEASE OF DOMESTIC
03-SOP-		VIOLENCE OFFENDERS ( <b>renamed</b> ), Additions
03-SOP-		& Modifications within this Section
03-SOP-		( <b>bolded</b> )

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**2004 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
04-SOP-01	<u>02-09-04</u>	<u>302.00: SUPERVISORY RESPONSIBILITIES:</u>
04-SOP-	<u></u>	<u>Added under D. c. &amp; d. (<b>bolded</b>)</u>
04-SOP-02	<u>02-09-04</u>	<u>328.00: RULES &amp; PROCEDURES: added C./7.,</u>
04-SOP-03	<u>02-09-04</u>	<u>HOSTAGE SITUATIONS: added G. (<b>bolded</b>)</u>
04-SOP-04	<u>08-09-04</u>	<u>351.00 EVACUATIONS - NEW SECTION</u>
04-SOP-05	<u>08-09-04</u>	<u>352.00 EMERGENCY PREPAREDNESS NETWORK</u>
04-SOP-	<u></u>	<u>(REVERSE 911) - NEW SECTION</u>



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**2005 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
05-SOP-01	<u>02-03-05</u>	<u>353.00 - SCHOOL RESOURCE OFFICER (<b>NEW</b>)</u>
05-SOP-02	<u>03-09-05</u>	<u>246.00 - (AMENDED) AUTHORIZED AMMUNITION</u>
05-SOP-	<u></u>	<u>FOR URBAN RIFLE (<b>BOLDED</b>)</u>
05-SOP-03	<u>04-05-05</u>	<u>314.00 - (AMENDED) ELECTRONIC RESTRAINT</u>
05-SOP-	<u></u>	<u>DEVICE/TASER (<b>BOLDED</b>)</u>
05-SOP-	<u>05-31-05</u>	<u>309.00 (AMENDED) ACTIVATION OF EMERGENCY</u>
05-SOP-	<u></u>	<u>BUTTON ON 800 MHZ RADIOS (<b>BOLDED</b>)</u>
05-SOP-	<u></u>	<u></u>
05-SOP-	<u></u>	<u></u>

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**2006 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
06-SOP-01	<u>02-22-06</u>	<u>241.00 - AWARDS (<b>NEW</b>)</u>
06-SOP-02	<u>09-15-06</u>	<u>309.00 - TEN CODE/CLEAR TEXT (<b>AMENDED</b>)</u>
06-SOP-	<u></u>	<u>(<b>BOLDED</b>)</u>
06-SOP-	<u>09-15-06</u>	<u>250.00 - CELLULAR TELEPHONES (<b>NEW</b>)</u>
06-SOP-	<u>10-16-06</u>	<u>229.00 - COMMUNICABLE DISEASES (<b>AMENDED</b>)</u>
06-SOP-	<u>10-16-06</u>	<u>308.00 - HAZARDOUS MATERIALS (<b>AMENDED</b>)</u>

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**2007 CONTROL NUMBERS**

<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
07-SOP-01    02-15-07	<u>COURT SERVICES DIVISION NAME CHANGE TO</u>  <u><b>JUDICIAL OPERATIONS DIVISION</b> (SECTIONS</u>  <u>100.00, 331.00 AND 334.00.</u>  <u>CRIMINAL INVESTIGATIONS DIVISION SECTION</u>  <u>NAME CHANGE - CRIMES AGAINST CHILDREN</u>  <u>UNIT TO <b>SPECIAL VICTIMS UNIT</b> (SECTIONS</u>  <u>100.00, 322.00, 326 AND 342.</u>  <u>301.00 VEHICLE OPERATIONS/RESPONSE CODES/</u>  <u>C. CODE 3: <b>LAST SENTENCE DELETED</b></u>
07-SOP-02    05-25-07	<u>SECTION 108.00 RESERVE DEPUTIES/NEW</u>  <u>MEXICO RANGERS - AMENDED</u>

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**2008 CONTROL NUMBERS**

<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
08-SOP-01    04-30-08	<u>SECTION 309.00 COMMUNICATIONS/ACTIVATION</u> <u>OF EMERGENCY BUTTON ON 800 MHz RADIOS</u>  <b><u>SECTION B SUB-SECTION 1.</u></b>
08-SOP-02    09-08-08	<u>SECTION 228.00 DRUG ANALYSIS - AMENDED</u>
08-SOP-03    09-19-2008	<u>SECTION 228.00 DRUG ANALYSIS (9-8-08</u>
<u>VERSION RESCINDED/TO BE REPLACED WITH</u>	<u>THIS VERSION TO</u>
<u>CLARIFY LANGUAGE THAT WAS</u>	<u>ADDED (<b>NEW LANGUAGE BOLDED</b>)</u>
08-SOP-04 <u>12-02-2008</u>	<u>SECTION 316.00 BOOKING PROCEDURES</u>  <u>AMENDED (<b>NEW LANGUAGE BOLDED</b>)</u>
08-SOP-05 <u>12-02-2008</u>	<u>SECTION 327.00 EMERGENCY RESPONSE TEAM</u>  <u>AMENDED (<b>NEW LANGUAGE BOLDED</b>)</u>

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**2009 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
09-SOP-01	2-17-2009	<u>SECTION 332.00 CHILD CUSTODY ORDERS</u> <u>AMENDED (NEW LANGUAGE BOLDDED)</u>
09-SOP-02	6-10-2009	<u>SECTION 302.00 VEHICLE PURSUITS AMENDED</u> <u>DEFINITIONS SECTION "RECKLESS DRIVING/DRIVING</u> <u>WHILE UNDER THE INFLUENCE" IS DELETED.</u> <u>END OF FIRST PARAGRAPH OF VEHICLE PURSUITS</u> <u>SECTION (NEW LANGUAGE BOLDDED) (PENDING CHANGES)</u>
09-SOP-03	10-16-2009	<u>312.00 UNBIASED POLICING (NEW SECTION)</u>
09-SOP-04	10-16-2009	<u>312.00 ADDED TO SOP INDEX</u>
09-SOP-05	12-01-2009	<u>CHAIN OF COMMAND - PAGE III OF SOP</u>
09-SOP-06	12-01-2009	<u>RESPONSIBILITY OF ALL PERSONNEL/AUTHORITY -</u> <u>PAGE XI OF SOP</u>
09-SOP-07	12-01-2009	<u>202.00 - REVISION OF CORRESPONDENCE FORMAT</u>

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Effective Date: September 8, 2010

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**STANDARD OPERATING PROCEDURES MANUAL**

The control number check-off sheet is designed to assist personnel in maintaining a current Standard Operating Procedures Manual. Each revision to this manual will have a control number affixed to it. Personnel will, upon receiving a revision, replace the old revision sheet with the new revision sheet.

**2010 CONTROL NUMBERS**

	<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
10-SOP-01	<u>02-01-2010</u>	<u>CHAIN OF COMMAND - PAGE III OF SOP</u>
10-SOP-02	<u>02-12-2010</u>	<u>SECTION 305.00 - TRAFFIC ENFORCEMENT - AMENDED/ REVISED <b>(NEW LANGUAGE BOLDED)</b></u>
10-SOP-03	<u>05-12-2010</u>	<u>SECTION 206.00 - DEPARTMENT PROPERTY AND INVENTORY AMENDED <b>(NEW LANGUAGE BOLDED)</b></u>
10-SOP 04	<u>08-16-2010</u>	<u>SECTION 233.00 - HARASSMENT IN THE WORK PLACE AMENDED <b>(NEW LANGUAGE BOLDED)</b></u>
10-SOP-05	<u>08-16-2010</u>	<u>CHAIN OF COMMAND - PAGE III OF SOP</u>
10-SOP-06	<u>08-30-2010</u>	<u>SECTION 238.00 - USE OF INTERNET SOCIAL MEDIA AND NETWORKING - <b>NEW SECTION</b></u>
10-SOP-07	<u>09-08-2010</u>	<u>SECTION 251.00 - VOLUNTEER STUDENT INTERNSHIP PROGRAM PROCEDURES - <b>NEW SECTION</b></u>

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**2011 CONTROL NUMBERS**

<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
11-SOP-01 <u>01-01-2011</u>	<u>CHAIN OF COMMAND - PAGE III OF SOP</u>  <u>RESPONSIBILITY OF ALL PERSONNEL/AUTHORITY -</u>  <u>PAGE XI OF SOP</u>  <u>LAW ENFORCEMENT CODE OF ETHICS</u>  <u>SECTION 100.00 CHAIN OF COMMAND - SUPPORT</u> <u>SERVICES DIVISION NAME CHANGED TO PROFESSIONAL</u> <u>STANDARDS DIVISION</u>  <u>SPECIALIZED SECTIONS RESPONSIBLE TO</u> <u>UNDERSHERIFF AT THIS TIME</u>  <u>NEW ORGANIZATIONAL CHART</u>  <u>BUREAUS RESTRUCTURED</u>  <u>SECTION 106.00- CARRYING OF FIREARM, BADGE AND</u> <u>IDENTIFICATION CARD</u>   <u>SECTION - 202.00 - REVISION OF CORRESPONDENCE</u> <u>FORMAT</u>  <u>SECTION 236.00 - UNIFORMS/EQUIPMENT</u> <u>SECTION 300.00 - EMERGENCY VEHICLES</u>  <u>SECTION 328.00 - SPECIAL WEAPONS AND TACTIC</u> <u>TEAM</u>  <b><u>NEW LANGUAGE IS BOLDED</u></b>

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**2011 CONTROL NUMBERS**

<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
11-SOP-02 <u>02-09-2011</u>	<u>SECTION 305.00 - TRAFFIC ENFORCEMENT</u> <u>SECTION 311.00 - TOWED VEHICLES</u> <b><u>NEW LANGUAGE IS BOLDED</u></b>
11-SOP-03 <u>02-23-2011</u>	<u>SECTION 246.00 - AUTHORIZED FIREARMS/AMMUNITION</u> <u>AND FIREARMS QUALIFICATIONS</u> <b><u>NEW LANGUAGE IS BOLDED</u></b>
11-SOP-04 <u>05-06-2011</u>	<u>SECTION 302.00 - VEHICLE PURSUITS</u> <b><u>NEW LANGUAGE IS BOLDED</u></b>
11-SOP-05     08-26-2011	<u>CHAIN OF COMMAND - PAGE III OF SOP</u> <b><u>NEW SECTION 319.00 - CONFIDENTIAL FUND</u></b> <b><u>NEW LANGUAGE IS BOLDED</u></b>
11-SOP-06     11-08-11	<u>SECTION 302.00 - VEHICLE PURSUITS</u> <b><u>NEW LANGUAGE IS BOLDED</u></b>
11-SOP-07     11-10-11	<b>SECTION 100.00 - RULES AND PROCEDURES,</b> <b>SHERIFF'S EXECUTIVE STAFF, ORGANIZATION CHARTS,</b> <b>OPERATIONS BUREAU AND SUPPORT SERVICES BUREAU</b> <b><u>NEW LANGUAGE IS BOLDED</u></b>



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Effective Date: May 22, 2012

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**2012 CONTROL NUMBERS**

<b>EFF. DATE</b>	<b>NEW/REVISED SECTION</b>
12-SOP-01    05-22-12	100       -    SHERIFF'S EXECUTIVE STAFF
	202-2.A -    ADDITIONAL WORDING
	204       -    NEW COMPUTER, AVL, WEBMASTER POLICY
	209-3.F -    CHANGED FROM 32 HR TO 48 HR
	209-5.H -    CHANGED FROM 32 HR TO 48 HR
	215-1.C -    REMOVED VILLAGE DEPUTIES
	216-1.G -    CHANGED TO 4 YR BID
	216-1.M -    CHANGED TO 4 YR BID
	222.00 -    ADDED WEAPONS PURCHASE REQUEST
	222-1.B -    NEW WORDING FOR HONORARY PROMOTION
	224-6/7 -    CHART OF SANCTIONS
	233       -    UPDATED EEOC
	236       -    NEW UNIFORM POLICY
	237-1.F -    ADDED TATTOO POLICY
	237-2.H -    ADDED TATTOO POLICY
	246       -    UPDATED FIREARMS
	300       -    NEW CODE OF CONDUCT OFF DUTY
	302.3     -    UPDATE TO USE OF DEADLY FORCE
	302-4.D.C-   REMOVED LEGAL ADVISOR
	311-1.A/I-   TOWED VEHICLES
	312-5     -    NEW WORDING FOR INTERNAL AFFAIRS
	313-13.B-   CHANGED BCDC TO MDC
	313-19/29   ADDED JUVENILE CUSTODY PROCEDURE
	314       -    UPDATED TERMINOLOGY
	317-5/9 -    ADDED IMAGING EVIDENCE
	322       -    UPDATED NUMBERS/TERMINOLOGY
	323       -    UPDATED TERMINOLOGY
	326       -    UPDATED NUMBERS/TERMINOLOGY
	331       -    UPDATED TERMINOLOGY
	333       -    UPDATED TERMINOLOGY
	337       -    SPLIT SECTION 322 FOR S.O.R.T.
	342       -    UPDATED WHOLE SECTION
	400-1.G -    CLARIFIES DIAGRAM VS. SKETCH

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**STANDARD OPERATING PROCEDURES MANUAL**

**INTRODUCTION**

<b>STATEMENT</b>	<b>I</b>
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<b>AUTHORITY OF MANUAL</b>	<b>V</b>
<b>RESPONSIBILITY OF DEPARTMENT PERSONNEL</b>	<b>XI</b>
<b>POLICE OFFICER BILL OF RIGHTS</b>	<b>XII</b>
<b>LAW ENFORCEMENT CODE OF ETHICS</b>	<b>XIII</b>
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**BERNALILLO COUNTY SHERIFF'S DEPARTMENT**

**STATEMENT**

**THE PRIMARY MISSION** - The Primary Mission of the Bernalillo County Sheriff's Department (BCSD) includes the protection of life and property; resolution of conflict; creating and maintaining a feeling of security in the community; pro-actively reducing the opportunities for the commission of crime; identification, apprehension and prosecution of offenders of the laws; and the preservation of peace. We accept as part of our mission the responsibility to provide for a quality of life in our community.

**PHILOSOPHY** - Our Department embraces, accepts and agrees to abide by the full meaning of the Law Enforcement Code of Ethics. Our decisions are based on statutory laws, our own policies and regulations, and consideration for fairness and equality in the application of laws. We are committed to professional behavior, honesty in all of our professional and personal dealings, and the continuous improvement of ourselves and the services we provide. We take extra-ordinary care to treat the public with fairness, dignity and respect, while protecting ourselves from harm and providing for our and their personal safety.

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**OUR CUSTOMERS** - The public we serve are the customers for the service we provide. As with any business, we value and respect the needs of our customers and continuously strive to provide them public safety services in an effective, efficient and timely manner.

**OUR PERSONNEL** - The BCSD places as much importance and concern in the fair treatment of our personnel as we do in the treatment of the community which we serve. It is the Department's responsibility to insure our personnel are treated with dignity, respect and fairness. The leadership of the Department, and all other members of the Department, recognizes our responsibility to facilitate open and honest discussion; to respect the needs and opinions of others; and to provide for the intellectual and professional growth of our members through training and education. Our treatment of each other must be on par with our treatment of the community.

**SELF-IMAGE** - We are a public service agency staffed by professionals. Our presence in the community helps provide a sense of safety and well being for our customers. Our conduct earns us respect and admiration by the law-abiding and the law violators.

**CONCERN FOR THE COMMUNITY** - While maintaining a high visibility, we accept our responsibility to be a part of the community's pride and trust; to anticipate and serve the safety needs of our customers; and to be an interactive part of our community and its organizations. We must always strive to be seen as a part of our community, rather than apart from our community.

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**STANDARD OPERATING PROCEDURES MANUALS**

In order to fulfill the Department's mission, it is necessary to create and maintain a system through which the Bernalillo County Sheriff's Department can be effectively directed and controlled. This does not imply a disregard for the rights or abilities of the individual, but rather a structuring of the human efforts concerned with carrying out the activities of the Department. As part of the overall training process, written direction must be provided to all personnel to guide and direct them in the performance of their duties. Use of the masculine gender in this manual also includes, where applicable, the female gender.

**AUTHORITY OF DEPARTMENT MANUALS**

The Department manuals, to be hereafter referred to as Standard Operating Procedures, are compiled, adopted, and published on the authority of the Sheriff of Bernalillo County, for information, guidance, government, discipline, and administration of the Sheriff's Department and its personnel. Department policy, rules, and procedures may be updated by special orders or formal training which may not be currently reflected in these manuals. Any violations of the provisions or intent of these manuals may result in disciplinary charges against personnel responsible for such violations. The Department recognizes the fact that situations will occasionally arise which may mitigate such violations. Evidence of such mitigating circumstances may be considered on an individual basis when assessing the conduct of personnel of this Department.

These manuals are intended only to regulate the conduct of personnel of this Department and are not intended to create any higher standard of care than that required by State of New Mexico Law for purposes of establishing civil liability on the part of the County, the Department, or personnel of this Department.

The Standard Operations Manual has been established as a result of organizational policies, which are the official guides to this Department's organization and operations. The Administration Section is responsible for the publication and revision of the Department's Standard Operating Procedures manuals. All personnel of the Department will be issued a copy of the appropriate manual and any revisions to the manual, as they become effective.

These manuals supplement the County's Labor and Personnel Ordinance, and Collective Bargaining Agreements. Whenever and wherever there is a conflict, the Collective Bargaining Agreements take precedence over these manuals.

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**100 CHAIN OF COMMAND**

All official communications, whether moving downward or upward, shall be confined to official channels. Each link in the chain of command shall be respected. It is the responsibility of each echelon to forward communications to the next higher echelon with his approval, disapproval, or recommendation.

**RULES AND PROCEDURES:**

**100-1 ORDER OF RANK - CHAIN OF COMMAND**

- A. Sheriff: is elected by the citizens of Bernalillo County and is directly responsible to the people. The Sheriff, under the guidelines of the State Constitution, statutes, and County ordinances will provide leadership, deploy manpower, and provide direction for the efficient operation of the Department.
- B. Undersheriff: is appointed by the Sheriff and is second in command of the Department.
- C. Chief Deputy: is appointed to this rank from the members of the Department of the rank of Captain or Lieutenant, and is responsible to the Undersheriff for the operation of one of the three following bureaus: Operations, Criminal Investigations and Judicial, or Administrative Support.
- D. Captain: is appointed to this rank from the members of the Department of the rank of Lieutenant, and is responsible to a Chief Deputy and for one of the four following divisions: Field Services, Criminal Investigations, Professional Standards, or Judicial Operations.
- E. Lieutenant: is appointed to this rank from the members of the Department of the rank of Sergeant, and may supervise a Division/Area, Section, or Watch.
- F. Sergeant: is appointed to this rank from the members of the Department of the rank of Deputy First Class, and is a superior officer who may supervise subordinate sworn and non-sworn personnel.
- G. Deputy Sheriff:

Deputy First Class is a senior level Deputy Sheriff who may supervise subordinate sworn and non-sworn personnel.

Deputy Second Class is a Deputy Sheriff who may supervise subordinate sworn and non-sworn personnel.

Cadet is a probationary member who is assigned to the law enforcement/training academy or to field duty prior to appointment to Deputy Second Class.

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- H. Employees are all other personnel including Community Services Aides.
- I. Should the Sheriff become incapacitated through illness, injury, death, or should be absent from Bernalillo County, without having designated a representative to command the Department, the following order of succession shall be maintained:
  - 1. Undersheriff
  - 2. Commander - Operations Bureau
  - 3. Commander - Criminal Investigation & Judicial Operations Bureau
  - 4. Commander - Administrative Support Bureau
  - 5. Commander - Field Services Division
  - 6. Commander - Criminal Investigations Division
  - 7. Commander - Judicial Operations Division
  - 8. Commander - Professional Standards Division

**100-2 SHERIFF'S EXECUTIVE STAFF**

- A. The Sheriff's executive staff consists of professional employees who are directly responsible to the Sheriff, and who perform such duties as the Sheriff may assign.
- B. The Undersheriff is appointed by the Sheriff, and is second in command of the Department and is responsible for the supervision, planning, controlling, and coordination of the operational responsibilities of the Department. He/she shall assume the duties of the Sheriff, when required.
- C. The Executive Secretary is an unclassified employee appointed by the Sheriff, and is responsible for the clerical duties of the Sheriff and his staff.
- D. Psychological Services personnel are responsible for the psychological screening of applicants, counseling personnel in need of assistance, assisting the Sheriff in preparation of testing and evaluation of materials, and other duties as assigned.
- E. Internal Affairs unit is responsible for investigating complaints against any employee of the Department and initiating special investigations at the direction of the Sheriff.
- F. Equal Employment Opportunity E.E.O.: Is responsible to

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investigate all internal complaints of discrimination or sexual harassment, and to provide requested information to County E.E.O. Officer when requested.

- G. The following specialized sections are responsible to Headquarters Section, Undersheriff, at this time:
1. The Public Information Officer serves as a liaison between the Department and the news media and is responsible for the preparation of news releases and other duties as assigned. The Neighborhood Watch and Crime Prevention programs, designed to assist citizens through the criminal justice system, will also be assigned to the Public Information Officer.
  2. Legal Advisor is responsible to the Sheriff for the preparation of legal responses, the formulation of ordinances, statutes, and legislative proposals, and other duties as assigned.



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**100-3 OPERATIONS BUREAU**

- A. The Operations Bureau is comprised of the: Field Services Division:
- B. The Field Services Division is comprised of Administrative Support Staff, three patrol watches within three area commands (North, South, and East), and seven specialized sections.
  - 1. **Administrative Support Staff:** Is responsible for the record keeping functions of the Division to include: daily assignment logs; monthly activity reports; message processing; and additional duties as assigned.
  - 2. **Watch-I:** General hours of operation are from 2300 hours to 0700 hours and is commonly referred to as Graveyard shift. Law enforcement services are provided during this time in all three area commands.
  - 3. **Watch-II:** General hours of operation are from 0700 hours to 1500 hours and is commonly referred to as Day shift. Law enforcement services are provided during this time in all three area commands.
  - 4. **Watch-III:** General hours of operation are from 1500 hours to 2300 hours and is commonly referred to as Swing shift. Law enforcement services are provided during this time in all three area commands.
- C. The following specialized sections are responsible to Field Services Division Commander:
  - 1. **Traffic Investigations Unit:** Shall be responsible to enforce traffic laws, detect and apprehend intoxicated or impaired drivers, investigate traffic accidents involving death or serious injuries, and Sheriff's Department vehicles involved in accidents. The Division Commander will determine manning and duty hours for this unit.
  - 2. **DWI/Vehicle Seizure Unit:** Shall be responsible to identify and apprehend intoxicated and impaired drivers **and seize vehicles per State Statute.** The Division Commander will determine manning and duty hours for this unit.
  - 3. **Canine Unit:** Shall be responsible to respond to calls for service requiring the use of specially trained canines and their handlers. The Division Commander will determine manning and duty hours for this unit.
  - 4. **Community Service Aides:** Shall be responsible for certain Divisions and sections with report taking, routing, traffic control, transportation, and other duties as assigned by the Division Commander. The Division

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Commander will determine manning and duty hours for this unit.

5. **School Crossing Guards:** Shall be responsible for the safety of school children and other persons in school zones during periods of operation, and other duties as assigned.
6. **Special Weapons and Tactics:** Shall be responsible for the successful end to high-risk situations, with a minimal risk to Department members and the public.
7. **ERT:** Shall be responsible for responding to natural disasters and civil disobedience to include, but not limited to: demonstrations, mass protests, etc. In addition ERT is responsible for performing dignitary/executive protection.
8. **Air Support Unit:** Shall be responsible for all aerial law enforcement activities.
  - i. In absence of the Operations Bureau Chief Deputy, the Air Support Unit will not leave Bernalillo County without the approval of the Sheriff or Undersheriff.

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**100-4 CRIMINAL INVESTIGATIONS AND JUDICIAL OPERATIONS BUREAU**

A. The Criminal Investigations Division is comprised of Administrative staff and **fourteen** specialized sections.

1. **Administrative Support Staff:** Is responsible for the record keeping function of the Division to include: daily assignment logs; monthly activity reports; case files; and additional duties as assigned.
2. **Crime Scene Investigations:** Is responsible for supporting the Criminal Investigations Division and other Divisions by assisting in the collection, safeguarding and processing of evidence, and other duties designated by the Division Commander.
3. **Violent Crimes Unit:** Is responsible for the investigation of homicides, suicides, robberies, assaults, and other crimes designated by the Division Commander.
4. **Cold Case Unit:** Unsolved cases are re-evaluated to determine if existing info will lead to a solution and other crimes designated by the Division Commander.
5. **Special Victims Unit:** Is responsible for the investigation of missing juveniles and adults, child abuse and neglect, child homicides, child sexual abuse, adult sexual assaults, internet crimes against children, or other crimes designated by the Division Commander.
6. **Missing Persons Unit:** Investigation of juvenile run-a-ways and both adults and juveniles that are reported as missing and other crimes designated by the Division Commander.
7. **Regional Computer Forensics Lab:** Investigation of computer crimes as well as providing investigative assistance through the analysis of electronic and electronic storage media to include, but not limited to: phones, computers and mobile devices.
8. **Crime Analysis Unit:** Gather, compile and analyze department data in order to identify commonalities and trends in crime. In addition they provide a support role for investigations and other duties designated by the Division Commander.
9. **Property Crimes/Impact Unit:** Shall be responsible for the investigation of burglaries, larcenies, embezzled vehicles, auto theft and other crimes designated by the Division Commander.
10. **White Collar Unit:** Is responsible for the investigation of white collar crimes.
11. **Gang Unit:** Is responsible for the investigation of gang related crimes, supporting the Criminal Investigations Division

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involving gang activity, and other crimes designated by the Division Commander.

12. **Narcotics Unit:** Is responsible for the investigation of narcotics related offenses and other crimes designated by the Division Commander.
13. **DEA Task Force:** Is responsible for the investigation of crimes within federal and local jurisdictions. The cooperating agencies are the United States Drug Enforcement Agency, Federal Bureau of Investigation, and the Violent Fugitive Task Force.
14. **FAST:** Is responsible for the apprehension of known and wanted fugitives within the metropolitan area. Additional duties as assigned.

B. The Judicial Operations Division is comprised of Administrative Support Staff, and seven sections; Civil Process, Court Liaison, Court Security, Extraditions, SORT and the Warrants Unit.

1. **Administrative Support Staff:** Is responsible for record keeping functions to include: daily assignment logs, monthly activity reports, receipt and distribution of incoming and outgoing documents, docketing, financial and cash transactions, and additional duties as assigned.
2. **Civil Process:** Is responsible for the service of all writs, subpoenas, summonses, and garnishments that are received from the courts of competent authority, and all additional duties as assigned.
3. **Court Liaison:** Is responsible for the reviewing and forwarding of criminal investigation case files to proper authorities, to serve as a liaison between the Department and the District Attorney's Office, and between the Department and the Metropolitan Court, and other duties as assigned by the Division Commander.
4. **Court Security:** Is responsible for the security at the District Court and Juvenile Justice Center. Additional duties as assigned.
5. **Extraditions Unit:** Is responsible for the safe, secure, and efficient transportation/extradition of prisoners to and from local detention centers, as well as from other states and jurisdictions. Additional duties as assigned.
6. **SORT:** Is responsible for enforcing the sex offender registration and notification act. Additional duties as assigned.
7. **Warrants Unit:** Is responsible for the inventory and control of all fugitive warrants for the metropolitan area. This service will be provided on a twenty-four hour basis.

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**100-5 ADMINISTRATIVE SUPPORT BUREAU**

- A. The Administrative Support Bureau is comprised of Administrative Support Staff, and sections: Contracts, Budget and Finance, Personnel, Inventory.
  - 1. **Contracts:** Develop and Maintain contracts which are required by this Department to carry out law enforcement function.
  - 2. **Budget and Finance:** Compile, maintain, track, and analyze expenditures and funds for the established Department budget.
  - 3. **Personnel:** Process and Maintain all personnel records of Department employees.
  - 4. **Inventory:** Procurement and inventory of Departmental property and equipment.
- B. The Professional Standards Division is comprised of Administrative staff, and ten sections; Training/Academy, Media Specialist, Recruiting/Backgrounds, School Resource Officers, G.R.E.A.T./D.A.R.E., Reserves, Range Staff, Radio/Fleet Maintenance, Air Support Unit.
  - 1. **Administration Section** is comprised of Administrative support staff and eight specialized sections: Contracts, Budget and Finance, Data Systems, Payroll, Personnel, Supplies and Inventory, Purchasing, Analyst/Planner.
  - 2. **Contracts:** Develop and maintain contracts which are required by this Department to carry out the law enforcement function.
  - 3. **Budget and Finance:** Compile, maintain, track, and analyze expenditures and funds for the established Department budget.
  - 4. **Data Systems:** Is responsible for the dissemination, to authorize personnel, of information that is of law enforcement interest. The operation of all computer systems within the Department network will be controlled and maintained by this section.
  - 5. **Payroll:** Complete all accounting functions for the processing of all payroll records.
  - 6. **Personnel:** Process and maintain all personnel records of Department employees.
  - 7. **Inventory:** Procurement and inventory of Departmental property and equipment.



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8. **Purchasing:** Make purchases of supplies and equipment needed for the operation of the Department.
9. **Analyst/Planner:** Process and maintain government bonds, grant coordination, special projects and Bernalillo County Sheriff's Department construction projects. In addition, act as the point of contact for the Bernalillo County Commission agenda.
- C. **Training/Academy:** Is responsible for recruit and in-service training, preparation and production of audio/visual aids and other duties as assigned by the Division Commander.
- D. **Media Specialist:** Documents the current and historical information within the department and other duties as assigned by the Division Commander.
- E. **Recruiting/Backgrounds:** Is responsible for recruiting qualified applicants for the positions of Sheriff's Deputies, Community Service Aides, and Reserve Deputies.
- F. **School Resource Officers:** Shall be responsible for school related duties and activities.
- G. **G.R.E.A.T./D.A.R.E.:** Shall be responsible for instructing the programs to youths of the community.
- H. **Reserves Section:** Shall be responsible to provide assistance to any Division within the Department. The utilization of this section shall be coordinated with the appropriate Division Commanders and authorized by the Sheriff or his designee.
- I. **Range Staff:** Is responsible for all training and maintenance for Departmental weapons, and other duties as assigned by the Division Commander.
- J. **Radio/Fleet Maintenance:** Is responsible for the fleet and communications maintenance functions, and other duties as assigned by the Division Commander.

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#### **104 SUPERVISORS DUTIES AND RESPONSIBILITIES**

The Department shall delegate authority and responsibility to supervisors for the proper direction, and efficiency of the personnel assigned to them.

##### **DEFINITIONS:**

##### **SUPERVISOR**

A supervisor is a rank of Sergeant or above or professional employee who supervises and directs the activities of personnel assigned to them.

##### **RULES AND PROCEDURES:**

#### **104-1 SUPERVISOR'S RESPONSIBILITIES**

- A. Promote coordination and cooperation among subordinates and develop long and short range goals for his/her assignment.
- B. Supervise and direct the activities of personnel assigned to his Command, Section, Unit, or Squad.
- C. Ensure the good order, conduct and discipline of their subordinates.
- D. Is responsible for compliance with Departmental policies and procedures.
- E. Enforcement of all rules, regulations and orders of the Department.
- F. Exercise his authority without bias or prejudice and shall make any order to a subordinate in clear, understandable language, civil in tone, and in pursuit of Departmental business.

#### **104-2 SUPERVISOR'S DUTIES**

- A. Inspect work of subordinates for effectiveness in the performance of their duties.
- B. Instruct and advise subordinates in the performance of their duties.
- C. Brief, interpret, and enforce approved policies and plans, and act as a liaison in transmitting information from top to bottom and vice-versa.
- D. Establish, maintain and administer procedures necessary for the efficient operation of his assignment.
- E. Review and forward all reports and other documents

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prepared by subordinates.

- F. Evaluate the performance of the immediate subordinates and initiate commendations or disciplinary actions for subordinates, subject to review by higher authority.
- G. Whenever they will be absent for a long period of time, designate a qualified member of their assignment as acting.
- H. Be responsible for maintaining work areas free from any defamatory or notorious writings or illustrations that tend to harass, intimidate, or annoy any person due to race, religion, political affiliation, national origin, life style, gender, color, or similar personal characteristics.
- I. Maintain a work force free from sexual harassment and intimidation. Sexual harassment is construed to be any form of deliberate, repeated, unsolicited verbal comments, questions, representations, or physical contact of a sexual nature which is, or may be, unwelcome to the recipient. Failure to comply with this policy will result in transfer to a less responsible position or employment termination.

**VIOLATIONS OF DEPARTMENTAL POLICY**

**104-3**

- A. Immediately take whatever action is necessary to bring a matter of misconduct to the attention of the personnel's supervisor.
- B. Make an impartial written report to his/her commanding officer in every case of serious misconduct, incompetency, neglect of duty, or violation of the rules, regulations or orders of the Department on the part of any personnel.

Effective date: March 18, 2016

Effective date: March 18, 2016

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**106 DEPUTIES DUTIES AND RESPONSIBILITIES**

Prior to performing any duties as a sworn law enforcement Deputy on behalf of the Sheriff, all newly appointed Deputies shall be required to have the Oath of Office administered to them and to abide by said Oath. The signed document shall become a part of their Department file. The Department shall establish a Deputies Code of Conduct for those situations where sworn personnel are required to act in an official capacity or are performing official duties.

**RULES AND PROCEDURES:**

**106-1 CARRYING OF FIREARM, BADGE AND IDENTIFICATION CARD**

- A. Deputies will carry their identification cards and badges on their person while on duty, except when impractical or dangerous to their safety or to an investigation.
- B. Deputies will, while in a County vehicle, carry on their person the official identification card, badge and an approved firearm.
- C. Deputies shall carry and use weapons in a careful, prudent manner in accordance with the laws of the State of New Mexico and Departmental rules and procedures.

**106-2 ENFORCEMENT OF LAWS, ORDINANCES AND DEPARTMENTAL REGULATIONS**

- A. Deputies shall promptly obey and support all directives and policies established by the Sheriff.
- B. Deputies shall familiarize themselves with, and have a working knowledge of, all laws of the State of New Mexico and the ordinances of Bernalillo County, which they are required to enforce.
- C. Deputies will be equally responsible for the enforcement of laws, ordinances, and Departmental regulations. The delegation of the enforcement of certain laws and ordinances to a particular Division or Section of the Department does not relieve members of other Divisions or Sections from taking prompt law enforcement action for violations coming to their attention. All sworn personnel will take appropriate action and render assistance in any instance coming to their attention whether on or off-duty.
- D. Deputies will make only those arrests, searches and seizures which they know, or should know, are legal and in accordance with Departmental procedures.
- E. When sworn personnel of this Department are faced with a situation where discretion can be exercised, they must evaluate the circumstances, consider the available resources, and rely on training, Department policies, Department procedures, statutory law, and supervision in

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making the appropriate decision.

- F. Within each situation, the appropriate decision should be the least restrictive that shall accomplish the intent of the law, is in accordance with Department policy, and does not compromise Deputy safety.
- G. If Deputies are the highest ranking member of a subdivision of this Department, he/she will assume the duties and responsibilities of the supervisor of the subdivision should the supervisor be absent without naming a person to fill his position.
- H. Deputies will protect one another in time of danger, stress and under circumstances where danger might reasonably be expected.

**FURNISHING NAME AND EMPLOYEE NUMBER TO THE PUBLIC**

106-3

- A. Deputies shall cordially furnish their name, employee number and radio number to any person requesting such information when they are on-duty or while acting in an official capacity except:
  - 1. When providing of such information would present a safety concern for Deputy.
  - 2. When proper authority authorizes it.
- B. Deputies shall furnish B.C.S.D. business cards to victims and/or witnesses of crimes, and make identification over the phone unless the Deputies' assignment and good judgment dictates that identity should not be revealed.

**FAMILIARIZATION WITH THE COUNTY AND AREAS OF INTEREST**

106-4

- A. Deputies shall be familiar with, but not limit themselves to, the locations of the following:
  - 1. The location of streets, highways and boundaries of the County.
  - 2. Public Buildings, Hospitals, Courts, Transportation, and City, County, State, and Federal agencies and Departments.
  - 3. Any other pertinent location which would enable the Deputy to render a useful and helpful response.

**INTER-AGENCY COOPERATION**

106-5

- A. Deputies shall cooperate with all agencies involved in the administration of criminal justice, public agencies, and other Departments within the Bernalillo County structure.
- B. Deputies shall aid and disseminate information which these



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agencies and/or Departments are entitled to receive.

**NEGLECT OF DUTY**

**106-6**

Deputies shall be responsible for reporting to their immediate supervisor the neglect of duty or disobedience of other Department personnel that may come to their attention.

**OATH OF OFFICE**

**106-7**

The oath of Office shall be as follows:

I, (*insert name*), having been appointed to the office of Deputy Sheriff in the County of Bernalillo, State of New Mexico, do solemnly swear that I will support the Constitution of the United States, the Constitution and laws of the State of New Mexico and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God.

**106-8 NEXT-OF-KIN**

Next-of-Kin Notifications will be made in a timely and considerate manner. Chaplain services or similar support services shall be offered to the next-of-kin.

Deputies and detectives who are tasked with making notifications to next-of-kin will make the notification as soon as the next-of-kin is identified and/or as the investigation allows. All next-of-kin notifications will be done in person unless extenuating circumstances exist. Notifications will be documented in an offense/incident or investigative supplemental report.

These procedures will also be utilized for notification requests that come from outside agencies.

Effective date: January 9, 2017

Effective date: January 9, 2017

Effective date: March 18, 2016

**108 RESERVE DEPUTIES/NEW MEXICO RANGERS**

Reserve Deputies and New Mexico Rangers shall be used to assist sworn members whenever practical. Reserve Deputies and New Mexico Rangers shall operate under the established guidelines.

**108-1 RULES AND PROCEDURES:**

- A. Reserve Deputies and New Mexico Rangers will provide volunteer services at the direction of the Sheriff or his/her designee.
- B. Reserve Deputies and New Mexico Rangers will not perform any law enforcement function unless they are working under the direction of a supervisor or direct supervision with a sworn member of the Bernalillo County Sheriff's Department.
- C. After the completion of all required training programs, Reserve Deputies and New Mexico Rangers may assist the Field Services Division by riding with an on-duty sworn member or assist other divisions as directed by the Sheriff or his/her designee. Sworn members may decline to have Reserve Deputies or New Mexico Rangers ride with them in an on-duty status, if they choose to.
- D. Reserve Deputies and Rangers may not work in concert with family members.
- E. Reserve Deputies and Rangers may not work under the direct supervision of family members.
- F. The Supervision of the Reserve Deputies and Rangers program will be the responsibility of the Sheriff or his/her designee.
- G. Members of the Reserve Deputies Program and the New Mexico Rangers will be familiar with and abide by all regulations pertaining to the performance of their function to include the regulations established in both the Standard Operating Guidelines Manual and the Department's Standard Operating Procedures Manual.
- H. The Standard Operating Guidelines Manual will be revised annually, manual every January by the Special Operations Commanding Special Operations Captain and the Sheriff or his/her designee.

**108-2**

**ORGANIZATION OF THE RESERVE DIVISION**

- A. The Bernalillo County Sheriff's office Reserve Division will be governed by the Reserve Division Standard Operating Guidelines Manual (SOG).

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- B. The SOG will be reviewed yearly and any revisions, omissions, or additions will be submitted to the Sheriff for Approval.

**108-3**

**EQUIPMENT**

- A. At the direction of the Sheriff, equipment owned by the Bernalillo County Sheriff's office may be issued to Sworn Reserve Deputies in order to fulfill assignments and duties required.

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**109 PERSONNEL, CODE OF CONDUCT**

Personnel of the Bernalillo County Sheriff's Department are expected to follow a prescribed Code of Conduct and to act responsibly while on and off-duty. The Department holds its personnel accountable for all actions that reflect adversely on the Department.

**RULES AND PROCEDURES:**

**109-1 COMPLIANCE WITH LAWS, RULES AND REGULATIONS**

- A. Personnel shall obey, and to the best of their ability, protect the rights of the people as provided in the Constitution of the United States of America.
- B. Personnel shall obey all felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present. Indictment, information, or other formal criminal charge for the violation of any felony law shall be prima facie evidence of a violation of this section.
- C. Personnel shall obey all misdemeanor criminal laws of the United States of America, and of any state and local jurisdiction in which they are present. Indictment, information, or other formal criminal charge for the violation of any misdemeanor law shall be prima facie evidence of a violation of this section.
- D. Personnel shall obey all municipal, county, state, and federal civil laws, including, but not limited to Protective Orders (i.e., Restraining Orders) which may be filed against another person. The employee will immediately provide a copy of any Protective Order, which affects him or her, to the appropriate Chief Deputy through the chain of command.
- E. Personnel will not commit or omit any acts, which constitute a violation of any of the rules, regulations, duties and responsibilities, directives or orders of this Department, including those orders given via radio, or a person of the same or higher rank. Disciplinary actions for violating any precept(s) of this manual may include termination from employment from this Department.
- F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the Department.
- G. Conduct unbecoming a Deputy or employee shall include, but is not limited to:
  - 1. That which could bring the Department and/or individual Deputy or employee into disrepute; or



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2. That which impairs the operation or efficiency of the Department.

- H. Personnel who are arrested or cited for any criminal offense or major traffic violation (i.e., Careless Driving, Reckless Driving, Driving While Intoxicated, etc.) which occurred in any jurisdiction, must inform their immediate supervisor.

This will include any arrest or citation that occurred while on or off-duty.

Personnel will provide this information to their supervisor within 48 hours after the arrest or citation.

**109-2 SPECIAL CONSIDERATION, PRIVILEGE, PROFESSIONAL COURTESY**

- A. Bernalillo County Sheriff's Department personnel will not give special consideration, privilege, or professional courtesy to other Bernalillo County Sheriff's Department personnel or to personnel from other law enforcement agencies when such personnel are alleged to be involved in a violation of any law.
- B. Bernalillo County Sheriff's Department personnel who are being investigated in connection with an alleged violation of any law will not solicit special consideration, privilege, or professional courtesy from other Bernalillo County Sheriff's Department personnel or from personnel of other law enforcement agencies.

**109-3 REPORTING FOR DUTY**

- A. Personnel shall report for duty at the time and place required by assignment or order, and shall be physically and mentally fit to perform their duties.
- B. Personnel shall be properly equipped so that they may immediately assume their duties.
- C. Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or the County as to the condition of their health.

**109-4 CONDUCT WHILE ON-DUTY**

- A. Personnel shall constantly direct their best efforts to accomplish the functions of the Department intelligently and efficiently.
- B. Personnel shall not engage in any activity or personal business that may cause them to neglect or be inattentive to duty.

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- C. Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- D. Personnel shall perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the Department.
- E. Personnel shall notify their supervisor, if possible, or someone else in authority, before leaving their duty station or post for any reason.
- F. Personnel shall be permitted to suspend their assigned duties, subject to immediate call, for the purpose of having meals during their tour of duty, but only for such period of time and at such time and place as directed by their Commander.
- G. Personnel may use tobacco as long as they:
  - 1. Are not in a formation; or
  - 2. Do not have to leave their assignment or post for the sole purpose of doing so; or
  - 3. Are not engaged in traffic direction and control; or
  - 4. Are not in a designated non-smoking area.
- H. When personnel are in direct contact with the public, they shall refrain from using tobacco, or will obtain permission prior to doing so from the individual with whom they are in direct contact with.
- I. Personnel shall promptly obey all lawful orders of a superior, including any order relayed from a superior by an employee of the same or lesser rank.

At no time is a subordinate to obey an order from a superior that he/she knows to be unlawful.
- J. Insubordination consists of, but is not limited to, any employee who:
  - 1. Neglects or refuses any lawful order given by a superior officer, or
  - 2. Treats with contempt or is disrespectful in language or conduct towards a superior.
- K. Personnel who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation, or directive, shall respectfully inform the supervisor of the

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previous conflicting order. If the supervisor issuing the order does not retract the conflicting order, the order shall stand.

- L. Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product or professional service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.).
- M. Personnel shall not, while on-duty, possess business cards or other forms of advertisement relating to personal or other business venture unless the possession of such material is necessary to the performance of their duty.

Personnel shall never act officiously or permit personal feelings, prejudice, animosities, or friendship to influence their decisions.

- N. In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.

Personnel shall not use coarse, violent, profane, or insolent language or gestures.

- O. Personnel shall not express any prejudice concerning race, religion, politics, national origin, life style, or similar personal characteristics.

Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties. They shall be consistent with established Department procedures whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.

- P. Personnel shall wear uniforms or other clothing in accordance with established Department rules and procedures. Except when acting under proper and specific orders from a supervisor, personnel on-duty shall maintain a neat, well-groomed appearance and shall style their hair according to Department regulations.
- Q. Personnel shall have telephones in their residence, if available, and shall report any changes of their telephone number or address to their supervisor and to the Administration Section within two (2) working days.
- R. Personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document which has been filled out in the course of their employment. Written document refers to reports,

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citations, public records or documents, public vouchers, overtime slips, Requests for Leave of Absence, affidavits, or any other written instrument completed by Department personnel.

A violation of this section may result in prosecution for violation of New Mexico Statutes Annotated, including but not limited to, Paying or Receiving Public Money for Services Not Rendered (NMSA 30-23-2), Making or Permitting False Public Voucher (NMSA 30-23-3), Perjury (NMSA 30-25-1), or Tampering with Public Records (NMSA 30-26-1).

- S. All reports and written documentation will be completed and turned in on time in accordance with established Department procedures.
- T. Personnel shall truthfully answer all questions specifically directed to them, and narrowly related to the scope of employment and operations of the Department.
- U. Personnel shall have Employee Emergency Information with the Administrative Section. Each employee will be responsible for updating this information as needed.
- V. Personnel shall follow the telephone long-distance line instructions set forth by the County Bernalillo, and the Bernalillo County Sheriff's Department.

**109-5 OUTSIDE EMPLOYMENT**

- A. An employee may engage in outside business activity or outside employment provided it is not inconsistent, incompatible, and does not conflict or interfere, with the proper discharge of the employee's duties and responsibilities as a member of the Department.
- B. Approval and revocation process for outside business activity or employment shall be secured from the Sheriff or his designee prior to initiating such activity or employment. This shall be completed on the form provided by Bernalillo County Human Services Department.

**109-6 CONDUCT BOTH ON AND OFF-DUTY**

- A. No employees shall use his official identification cards, badges, or positions for personal or financial gain, for obtaining privileges or for avoiding the consequences of illegal acts.
- B. No employee shall lend to another person his identification cards or badges, or permit them to be photographed or reproduced without the approval of the Sheriff.
- C. No employee shall use his name and/or photograph, in

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conjunction with his official title, or in connection with testimonials or advertisements of any commodity or commercial enterprise or product without the approval of the Sheriff.

- D. Personnel shall avoid regular or continuous associations or dealings with persons whom they know are under active criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of other personal relationships.
- E. Personnel shall not knowingly visit, enter, or frequent a house of prostitution, illegal gambling establishment, or establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the performance of duty or while acting under proper specific orders from a supervisor.
- F. Personnel shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.
  - 1. Gambling, including sports pools at the work place.
  - 2. Utilization of County equipment or facilities for furtherance of gambling, on or off-duty, or to participate in any games of chance while on duty.
- G. Personnel shall not criticize or ridicule the Department, its policies, or other personnel in a manner which:
  - 1. Is defamatory; or
  - 2. Is obscene; or
  - 3. Is unlawful; or
  - 4. Undermines the effectiveness of the Department; or
  - 5. Interferes with the maintenance of discipline; or
  - 6. Is made with reckless disregard for the truth.
- H. Personnel shall not present themselves as the official representatives of the Department, without prior authority.
- I. Personnel shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established

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Department procedures.

- J. Personnel shall not knowingly interfere with criminal or administrative investigations, assigned tasks, or duty assignments of another, and shall not directly or indirectly, by threat or bribe, attempt to secure the withdrawal or abandonment of a complaint or charges.
- K. Personnel shall cooperate fully with the Investigators in any internal investigation, and shall be afforded all rights and protection provided by law, the County Personnel and Labor Ordinances, the Collective Bargaining Agreements, and the Department Standard Operating Procedures.

Personnel shall not, without previous authorization from the primary investigator or immediate supervisor, conduct any criminal or administrative follow-up investigation outside the scope of their assignment and employment with Bernalillo County.

- L. Personnel shall be required to provide information, regarding their own Internal Affairs file, only when ordered by a court of competent authority, the Sheriff, Undersheriff, or Chief Deputy. When in doubt, personnel should seek advice of counsel, the court, Sheriff, Undersheriff, or Chief Deputy.
- M. Personnel shall, at all times, be responsible for safeguarding and proper use of all Departmental issued property. All authorized equipment shall be utilized only for its intended purpose, in accordance with established Departmental procedures.

Personnel shall not abuse, damage, or lose Departmental property.

All Departmental issued equipment shall be maintained in proper order. This will include the maintaining of issued Standard Operating Procedures manuals and the proper insertion of any revisions.

- N. Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and Department orders pertaining to such operation.

The loss or suspension of one's drivers license shall be reported to their immediate supervisor, immediately.

- O. Personnel shall wear their badge so it is visible, or their identification card on the left side of the outer garment, when in the Law Enforcement Center or a sub-station, and not in uniform.

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When in the LawEnforcementCenter or a sub-station, personnel shall give their name, rank, and duty assignment to any person requesting it.

After normal working hours, all personnel will verify the identity of anyone not readily identifiable within the LawEnforcementCenter or a sub-station.

P. Personnel shall not attend auctions held in the LawEnforcementCenter during on-duty hours, while displaying an ID card and/or badge unless directed to by a supervisor or pursuant to assignment.

Q. Under normal circumstances, when it becomes necessary to officially communicate with a supervisor, personnel will use the proper chain of command.

During an emergency, personnel may bypass their immediate supervisor, but will notify their immediate supervisor as soon as possible.

R. Personnel shall not photograph any crime scene or police-related investigation by videotape, motion picture, or still film process, for their personal use.

S. Personnel shall not release any documents of the Bernalillo County Sheriff's Department for use in any hearing or court, unless a judicial subpoena or court order has been issued, or the CountyAttorney or the Sheriff has approved the release.

T. Personnel shall not be the primary investigators on law enforcement matters in which they are personally involved.

U. Personnel shall not be permitted to assist in a repossession for the purpose of preventing a breach of the peace in a self-help repossession.

**109-7 ALCOHOL BEVERAGES AND CONTROLLED SUBSTANCES**

A. Personnel shall not bring into any police facility or County vehicle alcoholic beverages, for any purpose, except in the performance of their official duties.

B. Personnel shall not consume any alcoholic beverages on-duty or while utilizing Department property, except in actual performance of their assigned duties requiring its use.

C. Personnel shall not use alcoholic beverages off-duty to the extent that it renders them unable to report for their next scheduled tour of duty, or discredits the Department.

D. Personnel shall not consume intoxicating beverages on or off-duty, after being involved in an incident which may

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result in a criminal or administrative investigation of their conduct, until the investigator deems the preliminary investigation complete.

- E. Personnel shall notify their immediate supervisor if a prescription requires on-duty use of a controlled substance.
- F. Personnel shall not store or bring into any police facility or vehicle any controlled substances, narcotics, or hallucinogens, except as required in the performance of their official duties, or when so prescribed for their use by a licensed physician or dentist.

**109-8 SMOKING**

Smoking is not permitted within buildings or vehicles maintained and owned/operated by the County of Bernalillo.

**109-10 GRATUITIES**

- A. Personnel shall not solicit or accept, either for themselves or other personnel, gifts, or compensation for service performed in the line of duty, other than that which is paid by the County or which is allowed by the Sheriff.
- B. Should any establishment, through their own policy, provide food, beverages, and/or services at a lesser rate, said establishment shall not receive any official considerations, but shall be treated the same as any other establishment.
- C. The Department does not endorse personnel accepting any items free of charge or at a discount rate that is not available to the general public.

Shopping on-duty, while in uniform, is discouraged as it may invite special consideration on the part of the merchant.

- D. Personnel shall not use their official positions to gain entry into any event without paying admission, except in the line of duty. Such events include, but are not limited to:
  - 1. Sporting events; or
  - 2. Liquor establishments; or
  - 3. Places of amusement.
- E. Personnel shall not use their official position or official identification card or badges to solicit:



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1. For personal or financial gain; or
2. To obtain privileges not otherwise available to them except in the performance of duty; or
3. To avoid consequences of illegal acts.

**109-11 VOLUNTEER STATUS OF DEPUTIES**

- A. Law Enforcement personnel are occasionally asked to provide security officer services on a volunteer basis, due to their training and experience as law enforcement officers. Law Enforcement personnel may do so only under the following conditions:
1. They provide advance written notice to their Division Commander of the date, time and location of the event.
  2. They are in a voluntary status and are not receiving any compensation or have obtained approval for outside employment.
  3. They do not represent or hold themselves out to be Law Enforcement Officers.
  4. They do not wear their Badge of Office or display any other identification or insignia which identifies them as Law Enforcement Officers, or in any way resembles their Badge of Office.
  5. They do not take any law enforcement action while in the security officer position, but only maintain order. Law Enforcement matters are to be referred to Law Enforcement personnel of the appropriate Law Enforcement Agency within that jurisdiction.

Effective date: June 6, 2014

Effective date: June 6, 2014

Effective date: May 22, 2012

**111 PUBLIC INFORMATION POLICY**

**RULES AND PROCEDURES :**

**111-1 PUBLIC INFORMATION OFFICER DUTIES AND RESPONSIBILITIES**

- A. The Sheriff has designated a Public Information Officer (P.I.O.) to act as a liaison between the Department and the public.
- B. It is the function of the P.I.O. to provide relevant, accurate, Department information in a timely manner to those who so request.
- C. The P.I.O. is the primary person on-call to handle media. Changes in the P.I.O.'s on-call status will be made in writing to the Communication's Section. In the absence of a P.I.O. or the designated alternate, the Undersheriff shall be notified of incidents of concern to the media and the community.
- D. The P.I.O. will handle follow-up inquiries. Supervisors, Deputies, and detectives will keep the P.I.O. apprised of new developments, changes or corrections as it pertains to the dissemination of information to the media and/or the public.

**111-2 P.I.O. ALTERNATE**

In the event of the P.I.O.'s absence, the Sheriff may assign an alternate to handle the P.I.O. duties.

**111-3 ON-SCENE CONTACT**

- A. The highest ranking supervisor or designee at the scene of an incident will handle initial media contacts. The P.I.O. will be informed of such incidences. The supervisor may request that the P.I.O. report to the scene.
- B. The supervisor or designee may release factual information to the media, such as, but not limited to: nature of the call, time, and place. Details regarding investigative matters will be released by the P.I.O. or assigned designee after consultation with investigators.

**111-4 OTHER CONTACT**

Requests for information may be referred to the P.I.O. The P.I.O. should be made aware of media contacts as it relates to Department matters.

Effective date: May 22, 2012

**111-5 COMMUNICATIONS RESPONSIBILITIES**

When advised of an incident drawing media attention, Communications shall notify the P.I.O. Information that may be released by communications personnel includes nature of the call, time, place and personnel on scene. Information regarding investigative matters shall be handled by the P.I.O. or assigned designee.

Effective date: May 22, 2012

Effective date: May 22, 2012

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Effective date: May 11, 2015

**200    ADMINISTRATIVE ORDERS**

The department shall maintain a system of Administrative orders and written directives to provide for distribution, accountability, and control of such information.

**DEFINITIONS:**

**DEPARTMENT STANDARD OPERATION PROCEDURE (S.O.P.)**

Written directives issued by the Sheriff remain in full force and effect until amended or rescinded by the Sheriff. The Sheriff has the authority to issue, modify, and approve agency written directives. These directives establish procedures, policies or regulations that affect the entire Department. They are the most authoritative directives and take precedence over all other directives. Changes in the S.O.P are made in the form of Department Special Orders.

**INTEROFFICE CORRESPONDENCE**

Should consist of Resignations, request for considerations and positions vacancy's.

**DEPARTMENT PERSONNEL ORDERS**

Orders issued whenever personnel are transferred from one Division to another, are promoted, are attending training, etc.

**DEPARTMENT MEMORANDUM**

Notices containing information, suggestions, notices or announcements of general interest.

**RULES AND PROCEDURES:**

**200-1    AUTHORITY FOR ISSUANCE OF DEPARTMENT DIRECTIVES**

All written directives of the Department shall be issued only upon the approval of the Sheriff. The Sheriff may designate another such as the Undersheriff or a Chief Deputy as the authority to issue written Department directives.

**200-2    DEPARTMENT STANDARD OPERATING PROCEDURES (S.O.P.)**

A. Any sworn or non-sworn personnel may propose a change in existing policies and procedures or suggest new policies and procedures. If the change is intended to become a part of the Standard Operating Procedures manual, it should be in the form of a Department Special Order. Personnel will submit proposals through the chain of command. The proposal will contain the following information:



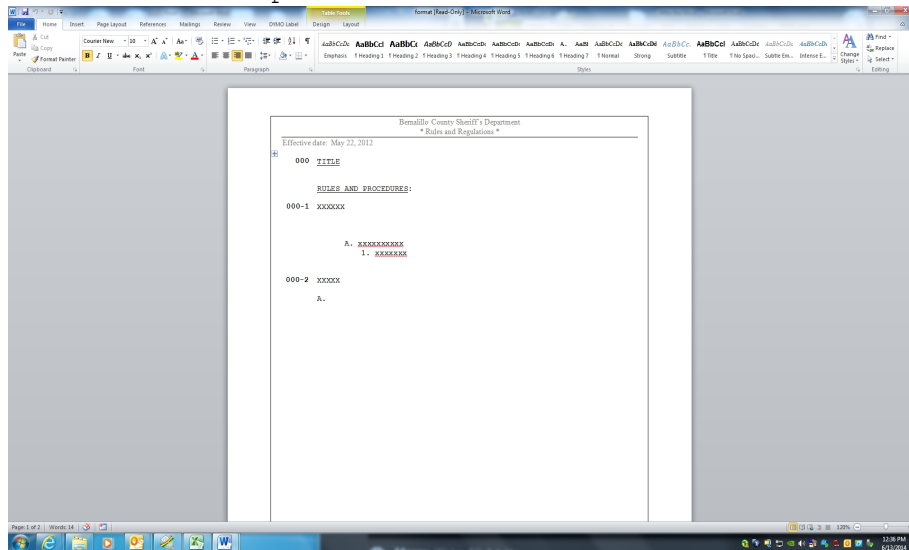
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1. A draft of the proposed revision.
  2. A draft of a Department Special Order if the change is to take effect immediately.
- B. The requestor will submit the proposal through the chain of command to the Undersheriff or Sheriff. The proposal will be evaluated for the following elements:
1. Compliance with the proper format.

Sample:



2. Clarity of language.
  3. Compatibility with accreditation standards.
  4. Conflict with existing procedures.
  5. Compatibility with Federal, State, County ordinances.
  6. Compatibility with union/association contracts.
  7. Compatibility with County Directives, or
  8. Any applicable issues.
- C. After the evaluation is complete, a Special Order will be issued if the proposal is to be incorporated as an amendment to the Standard Operating Procedures manual.
- D. Personnel will be responsible for maintaining the Standard Operating Procedures manual issued to them.
- E. In order to ensure that all personnel of the Department receive copies of the appropriate S.O.P. revisions,

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distributions will be made through PowerDMS as follows, with each succeeding level of command responsible for the understanding of revisions to their subordinates.

- F. Personnel must sign for their own documents and no exception will be made. When personnel sign for any revision or new SOP through PowerDMS their signature documents both acknowledgement of receipt and review of the disseminated directive.
- G. The Sheriff will be responsible for maintaining an accurate record of the receipt for all revisions issued.

**200-3 DEPARTMENT NUMBERING SYSTEM**

- A. All Memo numbering will be issued using the last two digits of the year followed by a hyphen and sequential number starting with 1, each year, for example Special Order 00-1.
- B. Number logs shall be maintained by the Sheriff.

**200-4 DEPARTMENT PERSONNEL ORDERS**

- A. Personnel Orders will be prepared and numbered by the same system outlined for the Department Special Orders, e.g., Personnel Order 00-1.
- B. The Sheriff will make the appropriate distribution and maintain a file of original orders.
- C. Department Personnel Orders should consist of any order given to Sheriff personnel example: Duty Assignment, Modified Duty, Transfers, and Training.
- D. Department Personnel Order format should be as follows:
  - 1. Use the memo format that is approved by The Sheriff. Top portion should follow the sample below.
  - 2. Eight line spaces down should state in all caps in Tahoma 10 font, DEPARTMENT PERSONNEL ORDER:. The number will be assigned by the Sheriff's Administrative Staff and should **ALWAYS** be left blank. The number is assigned by the Sheriff's Administrative Staff ONLY.
  - 3. Two line spaces down in all caps is the DATE:, tab twice and place the date of memo.
  - 4. Two line spaces down in all caps is To:, tab three times and place title and name in all caps(example: SHERIFF XXX) one line space down directly underneath

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tab three times and place Division of person above(example: HEADQUARTERS).

5. Two line spaces down in all caps is FROM:, tab twice and place title and name in all caps(example: SHERIFF XXX) one space down directly underneath tab three times and place Division of person above (example: HEADQUARTERS).
6. Two line spaces down in all caps is the SUBJECT:.
7. Below the bolded line you would place the body of the memo.
8. Two line spaces below body place in caps the initials of who the letter is from and in lower case whom created the memo (Example: XX/xx).
9. Two line space below the originator initials in caps XC: place names of the personnel that needs notification of this change.

BERNALILLO COUNTY SHERIFF'S DEPARTMENT  
INTERNAL DEPARTMENT CORRESPONDENCE  
SHERIFF MANUEL GONZALES III

DEPARTMENT PERSONNEL ORDER:

DATE:

TO:

FROM:

SUBJECT:

XX/xx (Initiator Initials in caps/preparer initials lower case)

XC: Persons who you would like to receive a copy

## 200-5 DEPARTMENT MEMORANDUM

- A. Numbers issued to memorandum will follow the system as outlined for Special Orders, e.g., 00-1.
- B. The Sheriff will make the appropriate distribution and maintain a file of originals.
- C. Memorandum will contain information, suggestions, or notices of position postings. Memorandum's are issued to express the intent and attitude of the issuing authority on the subject contained in the memorandum.

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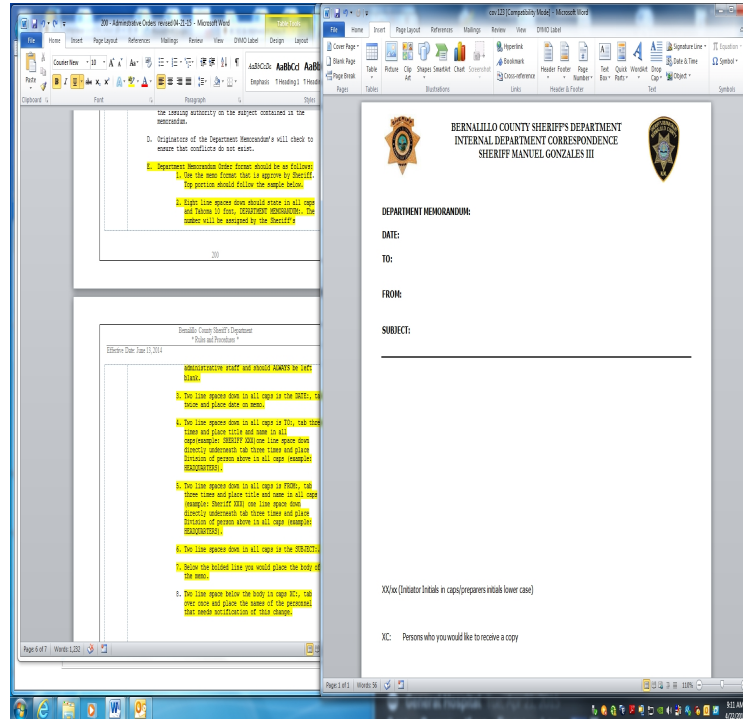
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- D. Originators of the Department Memorandum's will check to ensure that conflicts do not exist.
- E. Department Memorandum Order format should be as follows:
1. Use the memo format that is approved by The Sheriff. Top portion should follow the sample below.
  2. Eight line spaces down should state in all caps and Tahoma 10 font, DEPARTMENT MEMORANDUM:. The number will be assigned by the Sheriff's Administrative Staff and should **ALWAYS** be left blank. The number is assigned by the Sheriff's Administrative Staff ONLY.
  3. Two line spaces down in all caps is the DATE:, tab twice and place the date on memo.
  4. Two line spaces down in all caps is TO:, tab three times and place title and name in all caps (example: SHERIFF XXX) one line space down directly underneath tab three times and place Division of person above in all caps (example: HEADQUARTERS).
  5. Two line spaces down in all caps is FROM:, tab three times and place title and name in all caps (example: Sheriff XXX) one line space down directly underneath tab three times and place Division of person above in all caps (example: HEADQUARTERS).
  6. Two line spaces down in all caps is the SUBJECT:.
  7. Below the bolded line you would place the body of the memo.
  8. Two line spaces below body place in caps the initials of who the letter is from and in lower case whom created the memo (Example: XX/xx).
  9. Two line space below the originator initials in caps XC:, tab over once and place the names of the personnel that needs notification of this change.

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#### 200-6 INTEROFFICE CORRESPONDENCE

- A. Numbers issued to memorandum will follow the system as outlined for Interoffice Correspondence, E.g., 00-1.
- B. The Sheriff will make the appropriate distribution and maintain a file of originals.
- C. Interoffice Correspondence should consist of Resignation, Request for Considerations on Position Vacancy's.
- D. Interoffice Correspondence format should be as follows:
  1. Use the memo format that is approved by the Sheriff. Top portion should follow the sample below.
  2. Eight line spaces down should state in all caps in Tahoma 10 font, INTEROFFICE CORRESPONDENCE:. The number will be assigned by the Sheriff's Administrative Staff and should **ALWAYS** be left blank. The number is assigned by the Sheriff's Administrative Staff ONLY.
  3. Two line spaces down in all caps is the DATE:, tab twice and place date of memo.
  4. Two line spaces down in all caps is TO:, tab three times and place title and name in all caps(example: SHERIFF XXX)one line space down directly underneath tab three times and place Division of person above in all

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caps (example: HEADQUARTERS).

5. Two line spaces down in all caps is FROM:, tab three times and place title and name in all caps (example: Sheriff XXX) one line space down directly underneath tab three times and place Division of person above in all caps (example: HEADQUARTERS).
6. Two line spaces down in all caps is the SUBJECT:.
7. Below the bolded line you would place the body of the memo.
8. Two line spaces below the body place in caps the initials of whom the letter is from and in lower case who created the memo (Example: XX/xx).
9. Two line spaces below the originator initials in caps XC:, tab over once and place the names of the personnel that needs notification of this change.
10. Two line spaces below this you would place the lines to signatures of chain of command. You would place a signature line and beneath that place the name of the person who needs to sign the document.

Effective date: May 11, 2015



Effective date: May 11, 2015



Effective date: May 11, 2015

Effective Date: May 22, 2012

**201 FORMS CONTROL**

The Department shall centralize the responsibility for forms control in the Administration Section and utilize standard forms whenever possible.

**RULES AND PROCEDURES:**

**201-1 MAINTENANCE OF DEPARTMENT FORMS**

- A. The Administration Section shall be responsible to maintain a master file, which will include the original of each form utilized.
- B. Personnel shall not reproduce or requisition any form unless such form has been approved for use by the Sheriff, or his designee.
- C. Division Commanders will review forms utilized by their respective commands and provide written recommendations regarding changes, then forward them appropriately as outlined in this policy. This review will be completed on an annual basis.

**201-2 STANDARDIZED FORMS**

Standard forms of other agencies that are in common usage, such as Uniform Crime Reports, Traffic Accident Reports, Uniform and Misdemeanor Citations, and Search Warrants are excluded from the previous provision.

**201-3 NEW OR REVISED FORMS**

All requests for a new or revised form will be made through an inter-office correspondence, through the appropriate and established chain of command to the Sheriff, and will include:

- A. Purpose of the form and information to be recorded on the form.
- B. Number of copies needed to satisfy projected needs for a six-month period.
- C. Justification for the form, including a statement explaining why existing form(s) is unsuitable for use or why a new form is needed.

Effective Date: May 22, 2012

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Effective date: May 22, 2012

**202 CORRESPONDENCE**

The Department is to ensure all Department correspondence is prepared in an approved format and that it is distributed in a timely manner.

**RULES AND PROCEDURES:**

**202-1 FORWARDING CORRESPONDENCE**

Letters, memoranda, and other correspondence or documents shall be forwarded to the principal addressee through the chain of command without delay. The suppression of or failure to forward documents to the principal addressee shall be deemed as neglect of duty, and shall be reported to the office of the Sheriff through the chain of command.

**202-2 CORRESPONDENCE FORMAT**

- A. Personnel sending correspondence out of the Department shall indicate one of the following, from their chain of command, as the correspondent: **Sheriff, Undersheriff or Chief Deputy**. All correspondence shall have, in the proper location, the typed initials of the originator and typist. For example:

Best Regards,

(3 spaces)

Dan Houston  
Sheriff

DH:ABC/def

- B. The name and telephone number of the individual originating the correspondence shall be incorporated in the correspondence (including form letters) if the addressee needs to know who may be contacted in reference to the particular subject matter.
- C. The final form letter and an addressed envelope will be forwarded to Headquarters for review, approval, signature and mailing of the correspondence.
- D. Except for Lieutenants and above, no personnel will correspond with any other agency or person utilizing Department head stationary.
- E. Letters, memoranda and other correspondence and documents will be forwarded to the addressee through the chain of command without delay.

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- F. Sworn and non-sworn personnel shall address interdepartmental correspondence to the highest ranking person who could review such letter, memorandum, etc., with ample space provided at the bottom of that document for signature by each supervisor within the writer's chain of command.
- G. Only one copy of the correspondence may be made for the writer's personal records.
- H. The original of the correspondence will be delivered to the writer's immediate supervisor for review, comment, and forwarding through the chain of command.
- I. The suppression of, or failure to forward, documents to the principal addressee shall be deemed neglect of duty and shall be reported to the office of the Sheriff through the chain of command.
- J. Receipt of letters or information shall be acknowledged within ten (10) working days. If the sworn or non-sworn personnel do not receive such acknowledgement, he may take inquiry to determine the reason for the delay.

Effective date: May 22, 2012

Effective date: May 22, 2012

Effective date: May 22, 2012

**203 SHERIFF'S MORNING REPORT**

This Department shall provide an efficient and reliable reporting of significant events to be entered on the Sheriff's Morning Report.

**RULES AND PROCEDURES:**

- A. The Communications Section, under the direction of the Watch Commander or on-duty supervisor, will be responsible for the preparation of the Sheriff's Morning Report. The report will contain information relevant to incidents occurring within the previous twenty-four hour period that involves the following types of incidents or crimes:
  - 1. Homicide and Suicide
  - 2. Criminal Sexual Penetration, Attempted Criminal Sexual Penetration, or other serious sex offenses.
  - 3. Armed and Strong-Arm Robberies.
  - 4. Felonious assaults such as shootings or stabbings where serious injuries occur or where the circumstances are unusual.
  - 5. Abductions/Kidnapping.
  - 6. All incidents involving injury to Department personnel, damage to Department equipment, or Department personnel discharging a firearm.
  - 7. Vehicle accidents in which a person has died.
  - 8. Incidents of major importance; i.e., explosions, civil disturbances, major narcotics seizures, Special Weapons and Tactics Team deployments, and when a search warrant is served.
  - 9. Any other incident of a nature that should be brought to the attention of the Sheriff.
- B. It shall be the responsibility of all applicable supervisors to ensure that the required information be transferred to the Communications Section prior to the end of the respective watch.
- C. When Violent Crimes assumes command of a crime scene or assumes responsibility of a case, the supervisor in charge will ensure that the appropriate information will be added to the Morning Report.
- D. The Morning Report shall not identify or make any reference to those person(s) under 18 years of age.



Effective date: June 14, 2013

**204 USE OF COMPUTER SYSTEMS, AVL, AND DEPARTMENT WEBMASTER**

Bernalillo County Sheriff's Department personnel will utilize and operate computer systems, computer hardware, computer software, electronic mail and the internet in a manner consistent with Bernalillo County Rules and Regulations and this policy. The primary purpose of any software or hardware utilized by the department is to create optimal law enforcement response and to insure the safety of deputies and citizens.

The purpose of the Bernalillo County Sheriff's Department Webmaster is to continue to develop, implement, document and maintain assigned Internet applications; troubleshooting problems and managing related internal systems including the Automatic Vehicle Locator (AVL).

This policy pertains to all software, hardware, shared drive access and systems components.

**Definitions:**

**AVL**

a means for automatically determining the geographic location of a vehicle and transmitting information

**Webmaster**

person responsible for maintaining assigned website(s) as well as the Automatic Vehicle Locator (AVL).

**Real time**

access to AVL allowing current or actual time during which access is occurring.

**RULES AND PROCEDURES**

**204-1 COMPUTER RESPONSIBILITY**

- A. Unless specifically authorized by standard operating procedures, personnel will not disseminate information from computers, reveal to any unauthorized person information contained in a computer data base or computer software program. Nor shall they use or permit unauthorized use of any computer data base or computer software program. All privacy and security precautions apply to computer data
- B. Personnel will report violations or suspected violations to their supervisor or commander. The supervisor or commander will inform the Technical Assistance Section of the Violations.

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- C. Personnel will not create or run unauthorized jobs, operate a computer in an unauthorized mode or intentionally cause any kind of operational malfunction or failure.

**204-2 ACCESS**

- A. Personnel will be given access to computer systems according to their assignments, duties, and responsibilities.
- B. Personnel will only use his/her own password or username to gain access to their designated systems.
- C. Personnel will not lend their password or username to anyone, so to gain access to an automated system or computer.
- D. Personnel will adhere to system procedural requirements as set forth within the application or the system user's manuals.

**204-3 TERMINATING SESSIONS**

Personnel will log off the computer system before leaving their workstations. On-line terminals will not be left unattended

**204-4 REQUEST FOR SERVICE**

Personnel must receive written approval from their Chief Deputy prior to sending an IT request for service. This pertains to all software and/or hardware additions, deletions or changes as well as changes to shared drive access.

**204-5 AUTOMATIC VEHICLE LOCATOR (AVL)**

- A. Department vehicles will be equipped with an AVL device. Vehicles used for undercover and SWAT will not be equipped. Other exceptions will only be made upon written approval from the Sheriff. The AVL is part of an automatic vehicle location and mobile data system.
- B. The automatic vehicle location system provides real-time vehicle tracking and integrating AVL, wireless communications, and GIS mapping software.
- C. Vehicle data is collected and stored at county facilities in a relational database and accessed only by Sheriff's Department Personnel.
- D. The AVL system data includes, but is not limited to the following: vehicle tracking, customized mobile data applications, vehicle activity reports, in-vehicle sensor/device integration, emergency panic buttons.

Effective date: June 14, 2013

**204-6 ACCESS**

- A. Access to the AVL system will be exclusive to the rank or Sergeant and above. Any exceptions must be approved by the Sheriff in writing.
- B. Supervisor access is limited to real time monitoring only.
- C. Supervisors may request AVL history report on a subordinate in their command. A written request for the report must be approved by the Division Commander. The Division Commander will be responsible for determining if the request is necessary. The request must include relevant information and supporting facts that justify the need for the report.
- D. Internal Affairs detectives may request an AVL history report upon approval of the Internal Affairs Commander. The request must be in writing and include relevant information and supporting facts that justify the need for the report.
- E. An AVL history report shall be produced for all units involved in a pursuit to be included with the "Vehicle Pursuit Post Incident Review Form.

**204-7 WEBMASTER**

- A. In order to track vehicles effectively and efficiently, the department Webmaster will be responsible for the general maintenance and updating of the AVL system, including but not limited to, maintaining current vehicle assignments to individuals and divisions.
- B. The Webmaster will maintain a log of all data requests approved by Division Commanders
- C. The log will include all of the following information:
  - 1. The name of the deputy for which data is being requested;
  - 2. The name of the person requesting the information;
  - 3. The name of the Division Commander approving the request;
  - 4. The date and time of the request;
  - 5. The date and time the request is approved or declined.
- D. The webmaster will be the designated Custodian of Records for AVL data.

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- E. Every effort will be made to maintain the privacy and confidentiality of the movements and activity of all department vehicles.
- F. AVL Data will only be released to the public under the following conditions:
  - 1. A written request must be received by the Webmaster.
  - 2. The Webmaster will verify that the data exists and forward the request to the Legal Advisor
  - 3. The Legal Advisor will notify the deputy who is the subject of the request in writing and may schedule an appointment to discuss the request. Due to the nature of law enforcement activity and the serious safety concerns in regard to the release of data tracking information, all legal remedies will be exhausted before data is released, which included but is not limited to court order.
  - 4. The deputy that is the subject of the requested data will be fully informed of the status of release of information and will be notified prior to any release of data.

Effective date: June 14, 2013

Effective date: June 14, 2013

Effective date: September 11, 2015

**205 FISCAL MANAGEMENT AND PERSONNEL**

Maintain all functions involved with expenditures, personnel actions, and current inventories of Departmental property.

**RULES AND PROCEDURES:**

**205-1 EXPENDITURES**

- A. All requests for expenditures must be processed through the Administration Section for review, coordination, and recommendation. This action must be completed before final determination by the Sheriff or his designee.
- B. The Sheriff, Undersheriff, and Chief Deputies shall have approval authority for expenditure of Departmental funds.
- C. Letters to other agencies requesting cost reimbursement for use of Department facilities or services must originate from the Administration Section.

**205-2 PERSONNEL MANAGEMENT**

- A. All personnel actions (e.g., reclassifications, temporary hiring, filling of vacant administration positions, etc.), shall be reviewed by the Administration Section prior to any formal paperwork being distributed to County Personnel and/or the Finance Division.
- B. The Administration Section will be responsible for all functions involved with personnel records, which include the updating and maintenance of employee records.
- C. The maintenance of all payroll documents will be the responsibility of the Administration Section.

**205-3 GRANT REIMBURSEMENT**

The purpose of this policy is to establish guidelines and procedures for Deputies, Supervisors and Grant Administrator in processing grant reimbursement.

**DEFINITIONS:**

**GRANT**

An award of financial assistance by the federal, state, or local government to Bernalillo County Sheriff's.

**GRANT ADMINISTRATOR**

The person assigned to the Administrative Services Division that processes all grant reimbursement.

Effective date: September 11, 2015

**RULES AND PROCEDURES:**

**205-4 REIMBURSEMENT**

- A. Each employee working a grant funded event will complete an overtime slip and/or a grant activity form that clearly indicated the appropriate funding source.
- B. At the conclusion of the event, the Sergeant supervising the event will immediately review for accuracy and sign all overtime slips and make any copies needed to complete the appropriate paperwork.
- C. The event supervisor will send original overtime slip to the employees immediate supervisor so that the overtime can be entered in to the next pay period.
- D. The event supervisor will provide the Grant Administrator with the original copies of all necessary paperwork needed to complete the reimbursement paperwork.
- E. The Grant Administrator will provide the Lieutenant of the event supervisor with a copy of all completed paperwork for reimbursement.
- F. The Lieutenant will ensure that all paperwork is a copy of an original document.
- G. After verifying that all the documents in the reimbursement paperwork are true and correct, the Lieutenant will sign approving the submissions of all documents and return them to the Grant Administrator.

All supervisors, Lieutenants, and Grant Administrators will ensure that all documents are originals, or copies of originals. The reproducing of ANY document(s) to alter a signature or timecard is not authorized under any circumstance, and after review may result in disciplinary action.



Effective date: September 11, 2015

Effective date: September 11, 2015

Effective date: May 05, 2014

**206 DEPARTMENT PROPERTY AND INVENTORY**

The Department shall properly inventory all Department property and hold all personnel accountable for property issued to them. The Administrative Section is designated as the centralized point for procurement and requisitioning of Department property, the issuance of Department property to authorized users including to provide the replenishment of supplies, and is responsible for overseeing that Department property is maintained in a state of operational readiness.

**DEFINITIONS:**

**FIXED ASSETS**

A Fixed Asset is any non-expendable property item that is purchased at a cost greater than **\$5,000.00, per Bernalillo County Administrative Instruction NO 24 - Fixed Assets, effective June 02, 2008.**

**RULES AND PROCEDURES:**

**206-1 INVENTORY**

- A. A current inventory of all Department property shall be established and maintained by the Administrative Section.
- B. Each Division Commander will conduct an inventory of all Department property items assigned to their respective Divisions annually, submitting a copy to the Administrative Section no later than June 1st.
- C. An inventory will be conducted when a Division or Section supervisor is transferred. The incoming supervisor will assume the responsibility for the Department property. A copy of the inventory will be sent to the Administrative Section within five (5) days after the incoming supervisor assumes command.

**206-2 TRANSFER OR SALVAGE OF PROPERTY ITEMS**

- A. Property items will not be moved, traded or given to another Division or person without knowledge and concurrence of the respective Division Commander and the Administrative Section.
- B. The physical transfer of any property item must be initiated by the Division Commander through the Administrative Section by means of a memo.
- C. When transferring property items from one activity to another, the unit deleting the property will immediately initiate the transfer through the Administrative Section. This unit will send a memo, approved by the Division

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Commander, to the Administrative section indicating what is being transferred and to where. The Administrative Section will then ensure that the appropriate adjustments are made on both inventories.

- D. Personnel will not throw away or discard any Department property regardless of condition. Unusable inventory will be salvaged according to County policy. If an item needs to be salvaged, arrangements will be made to deliver the item to the Administrative Section along with a memo listing the items to be salvaged, their condition (working, broken, etc.), and the unit that is salvaging them. If the item(s) are too big or bulky to be delivered to the Administrative Section, arrangements will be made with the Administrative Section so they can pick up the item.
- E. County tag numbers, serial numbers, and model numbers will be used to identify the item being transferred or salvaged.
- F. When requisitioning property items, the requesting unit will submit a Department property/purchasing request form. The form must bear the signature of the person requesting the item(s), and that of the person's Division Commander. The form must also indicate to which section/watch the item(s) will be assigned.

**206-3 IDENTIFICATION OF PROPERTY ITEMS**

- A. All fixed assets purchased by the Department will be received by the Administrative Section.
- B. After an item has been inventoried and tagged, the Administrative Section will add the item to the appropriate Divisional inventory and notify them to pick the item up.
- C. After an item has been tagged with the Fixed Asset Number, the Administrative Section will add the item to the activity's inventory and notify them to pick the item(s) up.
- D. When a delivery of property item(s) under \$1,000.00 is made to an activity, the activity Commander will cause a memo to be written to the Administrative Section. The memo will include the following: make, model, serial number and cost. The Administrative Section will then add the item(s) to the activity's inventory.

**206-4 ISSUED PROPERTY**

- A. All sworn personnel will be issued the necessary police equipment to properly perform their assigned duties. This equipment includes, but is not limited to:

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1. Duty sidearm and shotgun
  2. Duty leather gear
  3. Chemical mace
  4. Flashlight
  5. Handcuffs
  6. Card key
  7. Commission Card/Identification(s)
- B. Deputies will be trained in the proficient use of all applicable issued equipment. Deputies will only carry Department approved less lethal force weapons that they have been trained and/or certified with.
- C. Saps, black jacks, sap gloves, and stun guns are examples of weapons not approved by the Department.

**206-5 SHERIFF'S DEPARTMENT OFFICIAL IDENTIFICATION**

- A. All personnel, including part-time temporary employees of the Sheriff's Department, will be issued official identification cards by the Administrative Section at the time of hire, except cadets. Sheriff's cadets will not be issued an identification/commission card until they graduate from the training academy.
- B. Sworn personnel will renew their identification/commission cards as follows:
1. At the official change of administration.
  2. When promoted or demoted.
  3. When lost, stolen, unserviceable, or when a change of name occurs.
- C. Non-sworn personnel will renew their identification cards as follows:
1. At the official change of administration.
  2. When lost, stolen, unserviceable, position change, or when a change of name occurs.

**206-6 RESPONSIBILITY FOR DEPARTMENT PROPERTY**

- A. All personnel of the Department are responsible for the

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Department property issued to them.

- B. When Deputies have their Department issued equipment damaged or stolen, they shall contact their chain of command for immediate replacement of those items that are necessary for them to function in their particular job.

**206-7 ISSUANCE OF EQUIPMENT**

- A. When taking possession of new or replacement issue equipment, sworn personnel will sign for the new equipment on their property log.
- B. All personnel will report all equipment changes to the Administrative Section within five (5) working days for the purpose of updating their individual property logs.

**206-8 RETURN OF DEPARTMENT OWNED PROPERTY**

- A. When personnel resign, are placed on physical layoff or leave the service of the Department for any reason, they shall surrender all Department owned property and equipment.
- B. Department card keys, official identification and commission cards will be turned in upon:
  - 1. Termination of employment.
  - 2. A new card being issued.
  - 3. Being relieved of duty by an authorized supervisor.

**206-9 PERSONALLY OWNED PROPERTY**

- A. Any individual choosing to utilize personally owned equipment or property for use, must ensure the equipment/property complies with applicable collective bargaining agreements and/or the Bernalillo County Sheriff's Department Standard Operating Procedures Manual prior to being utilized.
  - 1. If personally owned property has not received proper authorization from the Sheriff, any claim for reimbursement/replacement will be denied.
  - 2. If authorized property/equipment is damaged, any claim for reimbursement/replacement, along with the damaged item and report shall be submitted to the proper Bureau Chief for initial evaluation.
  - 3. To insure uniformity between Bureaus, the Undersheriff has final claim approval authority.

Effective date: May 05, 2014

**206-10 EXPERIMENTAL EQUIPMENT**

Experimental equipment will not be utilized by personnel of this Department without the permission of the Sheriff.

Effective date: May 05, 2014



Effective date: May 05, 2014

Effective date: January 22, 2016

**207 LEAVE REQUESTS**

The Department shall set standards for employee leave requests. All requests submitted will be considered only if the following guidelines are met.

**DEFINITIONS:**

**EMERGENCY LEAVE**

Emergency leave is leave with pay for which the employee is not charged due to the death of any immediate family member. It may be granted by the Division Commander upon the employee's request. Emergency leave may be granted for a period not to exceed five (5) working days.

**IMMEDIATE FAMILY MEMBER**

For the purposes of this section, immediate family member is defined as: mother, father, sibling, grandparents, great-grandparents, husband, wife, children either natural or adopted, grandchildren, aunts and uncles and like relatives of employee's spouse.

**RULES AND PROCEDURES:**

**207-1 VACATION/LEAVE**

- A. Personnel requesting annual leave for a period of three (3) days or less shall submit the request to his/her immediate supervisor, either in writing or orally, at least one (1) day in advance of the effective date of the requested leave.
- B. Requests for annual leave in excess of three (3) consecutive days shall be submitted to the personnel's immediate supervisor, in writing, at least one (1) week in advance of the effective date of the requested leave.
- C. Annual leave shall be approved on a first-come, first-served basis. However, when two (2) or more personnel request the same time-off, seniority shall control. In the event all seniority criteria are equal, final academy ranking or P.O.P.E. score, whichever is applicable, shall control.
- D. Personnel transferring from one division or bureau to another, with previously approved annual leave, shall be allowed to take such annual leave as scheduled.
- E. In assignment of vacation time, the Supervisor shall consider the personnel's workload within the work unit during the required time period.

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- 207-2                    F. Supervisors receiving approved requests for leave shall initial the form in the appropriate space. If the supervisor disapproves the leave request, they shall state the reason(s) for disapproval to the requesting personnel.

**HARDSHIP CASE / LEAVE**

- 207-3                    A. In emergency or hardship cases, approval may be granted for leave without the above outlined advance notice.
- B. If a Deputy provides documentation from a licensed physician that a possible death situation exists in said Deputy's immediate family, the Sheriff may grant up to thirty (30) days leave without pay to said Deputy, if requested, after all vacation leave has been exhausted.

**SICK LEAVE**

- A. In the event that a person will be unable to report for duty due to illness or other emergency, they will notify their supervisor. Notification will be made no later than fifteen (15) minutes PRIOR to the scheduled time to report for duty.
- B. Notification must be made by the personnel, unless they are physically incapable of doing so.
- C. Should the person's immediate supervisor not be available, the personnel will follow their chain of command until proper notification is made.
- D. Personnel reporting that they will be unable to report for duty due to illness need not present a doctor's certificate of illness for absences of three (3) days or less, unless:
1. The person's immediate supervisor, or higher authority, believes the person is feigning illness.
2. In such cases, the immediate supervisor, or higher authority, shall meet personally with the concerned member or employee and inform the person of the reason(s) for such belief.
- 207-4                    E. Personnel reporting that they will be unable to report for duty due to illness for a period in excess of three (3) consecutive work days will be required to present a doctor's certificate on the day that they report to duty.

**MATERNITY LEAVE**

Maternity leaves of absence shall be granted, and the person shall be allowed to use sick leave for this purpose. When sick leave credits are exhausted, annual leave credits shall

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- 207-5      be used. When both sick and annual leave credits have been exhausted, the person may apply for leave without pay in accordance with the needs of the person as determined by the attending physician. A person will not be required to leave prior to childbirth unless she feels that she is no longer able to perform her assigned duties. This type of leave must meet all applicable county, state, and federal guidelines.

**PARENTAL LEAVE**

Parental leave without pay is granted to a person for a period not to exceed twelve (12) weeks, when the person needs to care for an infant. Parental leave is also granted when a person's legal spouse is about to, or has just, given birth to a child. Parental leave can also be granted to a person adopting a child. The person requesting parental leave shall first use all accrued annual leave and sick leave.

**207-6 MILITARY LEAVE**

All personnel's authorized military leave shall be granted such leave in accordance with 38 USC 2024 (d) and NMSA 20-9-8, 1978. It is the responsibility of the personnel to provide their Captain with notification of the required absence at least fifteen (15) days prior to the commencement of leave or promptly upon receiving such notification. The personnel shall also provide his/her Captain a copy of the military leave orders if such orders are written. The Captain will provide out processing prior to leave and in process upon military personnel returning to active status within the Department.

- A. The Captain will ensure that the Administrative Support Division Inventory section and Payroll Section have been notified of extended personnel military leave in excess of 180 days.
- B. Any person on extended military leave past 180 days shall secure Department issued equipment to include firearms, less that lethal devices/firearms, electronics, portable radio, ballistic vest, and MDT, with the Administrative Support Division Inventory Section prior to their military leave. All equipment will be secured and safely housed within the Inventory Section unit the Deputy returns to active status within the Department.
- C. All Deputies on military leave will adhere to SOP Section 307-E regarding properly securing their Department issued vehicle and keys.
- D. Interoffice Correspondence will be generated by the Captain indicating the personnel return to duty and any requirements necessary to include any reintegration

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steps, (range qualifications, training classes, ect.)  
needed prior to return to duty status.

E. Personnel will ensure continued communication with the  
Department and provide an address, email or phone number  
where contact can be made if necessary.

F. In such instances where the employee needs further  
assistance with military personnel matters, the employee  
shall go to County Human Resources and meet with one of  
the Benefits Coordinators.

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Effective date: May 8, 2014

**209 OVERTIME/WITNESS FEES/SHERIFFS OVERTIME**

All Deputies shall be paid at the rate of time and one-half their regular straight time rate of pay for all time worked in excess of forty (40) hours in any one (1) work week. All overtime shall be authorized according to financial and budgetary constraints by the Sheriff or his designee.

This section also sets down specific guidelines for the acceptance of witness fees for testimony directly related to official duties performed by personnel of the Department.

The provisions set forth herein for the Sheriff's Overtime program will apply to both regular Sheriff's Overtime and to events sponsored by the CountyBernalillo when Sheriff's Deputies are used to provide a secure atmosphere for the citizens in attendance. The guidelines set forth herein will apply to all functions sponsored by the CountyBernalillo.

**DEFINITIONS:**

**SHERIFF'S OVERTIME**

Sheriff's Overtime is defined as voluntary, off-duty overtime.

**RULES AND PROCEDURES:**

**209-1 OVERTIME**

- A. Sworn and non-sworn personnel, except for those in certain pay classifications, are eligible for overtime pay when they work more than forty (40) hours in any one (1) week. All overtime will be approved by the member's supervisor prior to working the assignment.
- B. An overtime authorization form will be completed by personnel performing the overtime, and submitted by the end of the next duty day. The form must be approved by the appropriate supervisor(s) within the person's chain of command. The overtime will not be considered approved until the Division Commander approves the request.
- C. The definition and application of the term "call-back" for all personnel will comply with applicable County ordinances and collective bargaining agreements.

**209-2 WITNESS FEES**

- A. All personnel who receive witness fees based upon a work product (report, diagram, observation, etc.) related to their official duties must receipt those proceeds to the County, if testimony is done during regular duty hours. Proceeds may be retained by the sworn or non-sworn personnel if that personnel is on an approved leave status and not

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drawing overtime during the time in which testimony is offered.

- 209-3                    B. When the sworn or non-sworn personnel receipts the proceeds to the County, the check should be endorsed and delivered to the Administration Section.

**SHERIFF'S OVERTIME**

- A. Outside policing activities will be considered to be regular law enforcement duty insofar as conduct, performance of duty and compliance with Department rules and regulations are concerned.
- B. The coordination and administration of all Sheriff's Overtime will be overseen by a Sheriff's designee in Headquarters to ensure adherence to the aforementioned policies, processes, and other matters deemed necessary for the successful implementation of the Sheriff's Overtime Program.
- C. Sheriff's Overtime will be made available to all non-probationary members on a sign-up basis.
- D. A Deputy performing such duty will be under the direction of any superior officer assigned to such activity.
- E. There will be no outside policing activities at a liquor serving establishment, except as authorized by the Sheriff.
- F. Priority will be given to participant personnel on scheduled days off.
- G. Participant personnel will not be allowed to exceed **forty-eight (48) hours** of Sheriff's Overtime per pay period.
- H. Participant personnel will not work Sheriff's Overtime during the eight (8) hours preceding a regular scheduled shift.

209-4

**SHERIFF'S OVERTIME SUPERVISORS**

- A. Supervisors must be scheduled for Sheriff's Overtime as follows:
1. Four (4) to eight (8) Deputies employed at a single event must be supervised by a Sergeant.
  2. Nine (9) to fifteen (15) Deputies employed at a single event must be supervised by both a Lieutenant and a Sergeant.
  3. Certain events may require supervision by a Captain and this determination will be made by the program



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209-5 administrator or higher authority.

**SELECTION LISTS FOR SHERIFFS OVERTIME**

- A. On July 1 of every year the Department shall compile a list of personnel, by seniority, who are willing to perform Department authorized extra duty assignments. The Department shall maintain a separate list for each event. After an initial sign-up period of two (2) weeks, new names shall be added to the bottom of the list in chronological order that personnel sign-up, without regard to seniority.
- B. Extra duty assignments shall be offered to personnel on the list, in sequential order. When the list is exhausted, an extra duty offer shall again be made to the personnel at the top of the list. The intention of this provision is to equalize opportunities for extra duty among all personnel whose names appear on the list.
- C. Any personnel, who accepts an extra duty assignment but is unable to fulfill the assignment, shall notify the program administrator who shall offer the assignment to the next personnel on the list.
- D. Any personnel who has refused three (3) consecutive offers of extra duty assignment or, having accepted the extra duty assignment but on three (3) consecutive occasions has been unable to fulfill the assignment, shall have his name moved to the bottom of the list.
- E. Sick leave or vacation shall not be taken in order to accept an extra duty assignment.
- F. Personnel in a probationary status or a light duty status shall not be eligible to participate in extra duty assignments.
- G. Except when acting in supervisor capacity, as set out above, Sergeants and Lieutenants shall receive Deputy 1<sup>st</sup> Class pay and shall wear uniforms which do not bear rank insignia when performing extra duty assignments:
  - 1. When supervising, Sergeants and Lieutenants shall be compensated at their regular overtime rate.
- H. Personnel shall not work an extra duty assignment during the eight (8) hours preceding their regularly assigned shift. No personnel shall work more than **forty-eight (48) hours** of extra duty within any pay period.

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**210 STANDBY PAY**

Those employees who are working in an assignment, which calls for an on-call status, will be compensated with standby pay. The criteria for compensation will be set by the current Collective Bargaining Agreement.

**RULES AND PROCEDURES:**

**210-1 STANDBY**

- A. The Sheriff or his designee may place personnel on stand-by status. Stand-by status is defined as duty status wherein a person is required and assigned to be available for immediate call-out at times when the person is otherwise not assigned to his regular duty post. During such call-out period the personnel shall be issued a pager and expected to remain fit for duty within range of the paging system.
- B. Personnel shall not be assigned stand-by duty for time periods less than seven (7) consecutive days in duration. If, in the exercise of his sole discretion, the Sheriff or his designee requires a person to be placed on stand-by status for periods longer than one week, such assignments in excess of one week shall be made in multiples of seven days (i.e., 14 days, 21 days, 28 days, etc.)
- C. Personnel shall not be placed on stand-by status while on leave.
- D. Personnel assigned stand-by duty, shall be paid two (2) hours at his overtime rate for each week so assigned.
- E. Personnel's pay shall begin at such time as the pager is activated or the personnel is otherwise officially so notified.
- F. An employee who is required to appear in court on behalf of the Department, County, State of New Mexico or other law enforcement agency, shall be guaranteed at least two (2) hours pay at one and one-half (1-1/2) times his base hourly rate.

Effective date: May 22, 2012

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Effective date: May 22, 2012

**211 MEAL BREAKS**

This Department shall ensure that meal breaks for all personnel are in compliance with the Fair Labor Standards Act, CountyBernalillo Personnel Rules and Regulations, and/or all applicable collective bargaining agreements.

**RULES AND PROCEDURES:**

**211-1 MEALS**

- A. All sworn personnel will be scheduled to work a shift, which includes a paid meal period. Meal breaks will be scheduled during the regular work day, and will be arranged on a staggered basis as time and work requirements permit. The duration of the meal break, and the location and time which the break is to begin, will be at the discretion of the individual's supervisor.
- B. Should time and work assignments prevent an individual from having a meal break during the course of the work day, no compensatory time or other compensation will be allowed.

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Effective date: August 31, 2015

**212 PHYSICAL FITNESS TESTING AND TRAINING**

The physical fitness status of department members is vital to the protection of the public welfare and safety. Because of this, the Department promotes and values a Sheriff's Deputy's physical fitness and wellbeing. To that end the department administers an annual physical fitness assessment so that deputies can measure their performance against accepted standards.

**POLICIES AND PROCEDURES**

**212-1 PHYSICAL FITNESS CRITERIA**

Criteria used in the Physical Fitness Assessment has been established by the Physical Testing Committee. The criteria will be maintained by the Training Academy.

**212-2 PHYSICAL FITNESS TESTING AND TRAINING**

- A. Scheduling for physical fitness tests will be coordinated by the Training Academy and will be conducted annually in the month of October.
- B. All testing and training will be conducted by the training academy staff or adjunct instructors.
- C. All records pertaining to the PAR-Q document will be purged and destroyed within thirty days of the completion of the assessment process. The purge and destruction of these documents will be the responsibility of the Training Academy.
- D. The In-Service Training Unit will provide consultations pertaining to health and wellness issues for individual deputies at the request of the individual deputy. All consultations will be kept confidential.

**212-3 PHYSICAL FITNESS TESTING PROCESS**

- A. All deputies must report to the physical fitness assessment initial screening location at the time and place indicated by their immediate supervisor.
  - 1. All personnel must attempt to complete the physical requirements and are encouraged to do so to the best of their ability. Failure to meet the adopted standards will not result in disciplinary action or negative performance reviews.
- B. Prior to the physical fitness assessments, all Deputies will be required to:
  - 1. Complete a confidential Physical Activity Readiness Questionnaire (PAR-Q) and complete a screening

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procedure which may include blood pressure, resting pulse, and height/weight.

- C. If a deputy's PAR-Q and initial screening results are within allowable parameters they will be permitted to perform the physical fitness assessment. Deputies who are on a modified (light) duty status or who, based on a review of the PAR-Q and / or the initial assessment, fall outside the allowable parameters will not be permitted to participate. Deputies who are not permitted to participate are encouraged to seek advice or consultation from their health care provider as they feel appropriate. Deputies who are not allowed to participate in the physical fitness assessments will not be subject to discipline and are not eligible for physical fitness incentives offered.

#### **212-4 ASSESSMENTS**

- A. Physical fitness tests are to be administered by the Training Academy staff or adjunct instructors. The type of assessment and the scoring methods to be used will be made available to all deputies prior to the start of the assessment. In most test periods, the assessment will cover, but are not limited to:
1. A timed 1.5 mile run
  2. A timed push up test
  3. A timed sit up test
  4. A timed 300 meter run
- B. The Training Academy may change the type of components assessed or the scoring method utilized in an effort to maintain up-to-date procedures and standards.
- C. Assessment changes made by the Training Academy will be approved by the Administrative Undersheriff and notification of assessment changes will be provided to all deputies in advance.

#### **212-5 PHYSICAL FITNESS INCENTIVES**

- A. At the directive of the Sheriff and based on criteria provided by the Training Academy, a deputy may receive incentives for obtaining certain performance levels. Physical fitness incentives will be determined prior to the start of any assessment. For information on the incentives, deputies can contact the In-Service Training Unit. The incentives offered may be subject to change or modified at the discretion of the Sheriff. Notification of changes to the physical fitness assessment incentives will

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be provided to all deputies in advance.

- B. All incentives awarded must be used prior to the next Physical Fitness Assessment or be forfeited.

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**207 LEAVE REQUESTS**

The Department shall set standards for employee leave requests. All requests submitted will be considered only if the following guidelines are met.

**DEFINITIONS:**

**EMERGENCY LEAVE**

Emergency leave is leave with pay for which the employee is not charged due to the death of any immediate family member. It may be granted by the Division Commander upon the employee's request. Emergency leave may be granted for a period not to exceed five (5) working days.

**IMMEDIATE FAMILY MEMBER**

For the purposes of this section, immediate family member is defined as: mother, father, sibling, grandparents, great-grandparents, husband, wife, children either natural or adopted, grandchildren, aunts and uncles and like relatives of employee's spouse.

**RULES AND PROCEDURES:**

**207-1 VACATION/LEAVE**

- A. Personnel requesting annual leave for a period of three (3) days or less shall submit the request to his/her immediate supervisor, either in writing or orally, at least one (1) day in advance of the effective date of the requested leave.
- B. Requests for annual leave in excess of three (3) consecutive days shall be submitted to the personnel's immediate supervisor, in writing, at least one (1) week in advance of the effective date of the requested leave.
- C. Annual leave shall be approved on a first-come, first-served basis. However, when two (2) or more personnel request the same time-off, seniority shall control. In the event all seniority criteria are equal, final academy ranking or P.O.P.E. score, whichever is applicable, shall control.
- D. Personnel transferring from one division or bureau to another, with previously approved annual leave, shall be allowed to take such annual leave as scheduled.
- E. In assignment of vacation time, the Supervisor shall consider the personnel's workload within the work unit during the required time period.

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- 207-2** F. Supervisors receiving approved requests for leave shall initial the form in the appropriate space. If the supervisor disapproves the leave request, they shall state the reason(s) for disapproval to the requesting personnel.

**HARDSHIP CASE / LEAVE**

- A. In emergency or hardship cases, approval may be granted for leave without the above outlined advance notice.
- B. If a Deputy provides documentation from a licensed physician that a possible death situation exists in said Deputy's immediate family, the Sheriff may grant up to thirty (30) days leave without pay to said Deputy, if requested, after all vacation leave has been exhausted.
- 207-3**

**SICK LEAVE**

- A. In the event that a person will be unable to report for duty due to illness or other emergency, they will notify their supervisor. Notification will be made no later than fifteen (15) minutes PRIOR to the scheduled time to report for duty.
- B. Notification must be made by the personnel, unless they are physically incapable of doing so.
- C. Should the person's immediate supervisor not be available, the personnel will follow their chain of command until proper notification is made.
- D. Personnel reporting that they will be unable to report for duty due to illness need not present a doctor's certificate of illness for absences of three (3) days or less, unless:
1. The person's immediate supervisor, or higher authority, believes the person is feigning illness.
  2. In such cases, the immediate supervisor, or higher authority, shall meet personally with the concerned member or employee and inform the person of the reason(s) for such belief.
- 207-4** E. Personnel reporting that they will be unable to report for duty due to illness for a period in excess of three (3) consecutive work days will be required to present a doctor's certificate on the day that they report to duty.

**MATERNITY LEAVE**

Maternity leaves of absence shall be granted, and the person shall be allowed to use sick leave for this purpose. When sick leave credits are exhausted, annual leave credits shall

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- 207-5** be used. When both sick and annual leave credits have been exhausted, the person may apply for leave without pay in accordance with the needs of the person as determined by the attending physician. A person will not be required to leave prior to childbirth unless she feels that she is no longer able to perform her assigned duties. This type of leave must meet all applicable county, state, and federal guidelines.

**PARENTAL LEAVE**

Parental leave without pay is granted to a person for a period not to exceed twelve (12) weeks, when the person needs to care for an infant. Parental leave is also granted when a person's legal spouse is about to, or has just, given birth to a child. Parental leave can also be granted to a person adopting a child. The person requesting parental leave shall first use all accrued annual leave and sick leave.

**207-6 MILITARY LEAVE**

All personnel's authorized military leave shall be granted such leave in accordance with 38 USC 2024 (d) and NMSA 20-9-8, 1978. It is the responsibility of the personnel to provide their Captain with notification of the required absence at least fifteen (15) days prior to the commencement of leave or promptly upon receiving such notification. The personnel shall also provide his/her Captain a copy of the military leave orders if such orders are written. The Captain will provide out processing prior to leave and in process upon military personnel returning to active status within the Department.

- A. The Captain will ensure that the Administrative Support Division Inventory section and Payroll Section have been notified of extended personnel military leave in excess of 180 days.
- B. Any person on extended military leave past 180 days shall secure Department issued equipment to include firearms, less that lethal devices/firearms, electronics, portable radio, ballistic vest, and MDT, with the Administrative Support Division Inventory Section prior to their military leave. All equipment will be secured and safely housed within the Inventory Section unit the Deputy returns to active status within the Department.
- C. All Deputies on military leave will adhere to SOP Section 307-E regarding properly securing their Department issued vehicle and keys.
- D. Interoffice Correspondence will be generated by the Captain indicating the personnel return to duty and any requirements necessary to include any reintegration



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steps, (range qualifications, training classes, ect.)  
needed prior to return to duty status.

E. Personnel will ensure continued communication with the Department and provide an address, email or phone number where contact can be made if necessary.

F. In such instances where the employee needs further assistance with military personnel matters, the employee shall go to County Human Resources and meet with one of the Benefits Coordinators.

Effective date: May 22, 2012

**214 PLANNING**

The Department shall assign personnel as necessary to develop plans for proper utilization of manpower, resources, and equipment in order to efficiently meet the mission and goals of the Department.

**RULES AND PROCEDURES:**

**214-1 DUTIES AND RESPONSIBILITIES**

- A. Personnel assigned to develop plans for special events or in anticipation of future needs, will be given specialized training to enable them to perform adequately.
- B. The training will include, but not be limited to:
  - 1. Research design
  - 2. Statistics
  - 3. Technical Writing
  - 4. Project Management
- C. Those personnel assigned to plan for a designated task as described above will be given access to the necessary information, resources and data in order to prepare in an efficient and fiscally responsible manner. The personnel involved in planning will ensure that careful research is completed prior to any proposal being presented.
- D. All reports and information collected by the personnel involved in developing plans will be distributed to those sections of the Department that will be affected.

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**216 DUTY ASSIGNMENTS AND TRANSFERS**

The Department shall select personnel for assignment based on the following criteria.

**DEFINITIONS:**

**RELATIVE**

For the purposes of this section, "relative" includes, but is not necessarily limited to: husband, wife, son, daughter, mother, father, sister, brother, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, or uncle.

**216-1 RULES AND PROCEDURES:**

- A. The Sheriff retains the right to assign the personnel of this Department as the needs of the Department dictate.
- B. Department Memoranda will be issued to announce the anticipated filling of newly created positions or vacant positions that require inter-division transfer of personnel. Each such memorandum will include minimum qualifications for the announced position, a deadline for personnel to submit a transfer request, and any document(s) required.
- C. Requests for transfer will be addressed to the Sheriff and shall:
  - 1. Include the requesting person's qualifications for the position.
  - 2. Be forwarded through the requesting person's chain of command.
- D. Ample space shall be provided at the bottom of the last page of the request, so that supervisors reviewing the request may make written acknowledgment of their review and make written comments.
- E. The Sheriff shall deliver all requests to the Division Commander having the vacancy.
- F. The Division Commander having the vacancy will then ensure that all applicants are personally interviewed at a meeting attended by two or more supervisors from that Division.

Interviews will focus on the applicant's knowledge of the job requirements and duties, law enforcement procedures, qualifications, and any special considerations for the specific job.

The Division Commander having the vacancy will, after

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- conferring with the interviewers, address a memorandum to the Sheriff, through the chain of command, rank-ordering the applicants from most to least desirable to fill the vacancy. Comments regarding the rankings should be included. The Sheriff will then make the final decision.
- G. Routine job assignments held by sworn personnel below the rank of Sergeant, other than in Field Services, will be listed as **four (4) year assignments**. Sergeants will be listed as **four (4) year assignment**; regardless of subsequent intra-divisional transfers. Assignments will be based on calendar years. Consideration will be given to seniority for the purposes of assignment selection.
  - H. Ninety (90) days prior to the period of assignment being completed, the concerned Division Commander will cause a Department Memorandum to be issued announcing the pending vacancy.
  - I. Personnel may apply to succeed themselves in their current assignment, but will compete with other applicants on an equal basis.
  - J. If the incumbent Deputy is not selected to remain in the position, he shall be allowed to bump other Deputies on the basis of seniority if he is transferred to the Field Services Department.
  - K. Should the incumbent Deputy not apply to succeed themselves in their current position, he shall not be able to bump other Deputies based on their seniority.
  - L. Any intra-divisional transfer resulting in a change of work hours or days off shall require five (5) days written notice unless mutually waived, or unless emergency needs of the Department dictate otherwise.
  - M. Routine job assignments held by Sworn personnel below the rank of Sergeant, other than Field Services, are listed as four (4) year assignments, regardless of subsequent Inter-Divisional transfers. These assignments are based on calendar years.

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Effective date: April 12, 2016

**217 PEER SUPPORT**

The goal of peer support is to provide sworn and non-sworn members of the Department the opportunity to receive emotional and tangible support through times of personal or professional crisis and to help anticipate and address potential difficulties.

Members of the Peer Support Team (PST), sworn or civilian, are specifically trained colleagues, not counselors or therapists. The PST augments outreach programs such as employee assistance programs (EAPs), in-house treatment programs, and out-of-agency psychological services and resources, but does not replace them. A peer support person is trained to provide both day-to-day emotional support for department employees as well as to participate in the department's comprehensive response to critical incidents. PST members are trained to recognize and refer cases that require professional intervention or are beyond their scope of training to the Department Chaplain or a licensed mental health professional.

**217-1 RULES AND PROCEDURES**

PST members are peers who are currently in good standing with their departments. They must complete an interview process conducted by the Peer Support Team Coordinator, the mental health professional associated with the team and a peer selection committee.

Considerations for selection of PSP candidates include, but are not limited to, previous education and training; resolved traumatic experiences; and desirable personal qualities such as maturity, judgment, personal and professional ethics, and credibility.

A PST member may be de-selected from the team should they violate the listed responsibilities, are found to breach confidentiality, fail to attend training, or lose their good standing with the department.

The Peer Support Team is a voluntary commitment and will not be compensated for on-call status or call outs.

The on-duty supervisor should make every effort to accommodate a PST interview should a traumatic event happen or an employee requests help during on duty hours.

**217-2 CLINICAL SUPERVISION**

The Peer Support Team is clinically supervised by the department-appointed licensed mental health professional. This person is designated the PST Clinical Supervisor. The clinical supervisor is responsible for the clinical supervision and the ongoing in-service training of the Peer Support Team.

Effective date: April 12, 2016

**217-3 PEER SUPPORT TEAM RESPONSIBILITIES**

- A. To provide peer support and facilitate peer support team debriefings within the parameters established by law, departmental policy, operational and ethical guidelines, clinical supervision, and their training.
- B. Attend regularly scheduled peer support team meetings and in-service training. Excessive absences from the PST monthly meetings and training will be addressed by the team coordinator, assistant coordinators, and the clinical supervisor on an individual basis. Continued excessive absences may result in the team member's removal from the PST.
- C. Develop and maintain enhanced knowledge and skill. This includes skills in recognizing stress reactions to critical incidents and the unavoidable stressors of policing and non-work environments.
- D. Remain in communication with the peer support team coordinator.
- E. Resolve issues or conflicts that may arise between themselves and department investigators, supervisors, or administrators by working for cooperation, understanding, and education. In cases where such resolution is not readily achieved, they contact their team coordinator and team psychologist immediately for assistance.
- F. Make appropriate referrals when issues exceed the parameters of peer support.
- G. Provide peer support services to other agencies on request and as approved through the team coordinator.
- H. Peer Support Team members are responsible for clarifying the role in which they are functioning when interacting with others. Peer Support Team members must remain aware of potential conflicts of interest when providing peer support to individuals with whom they work or directly or indirectly supervise.
- I. Remain mindful of the trust placed in them by those who seek peer support.

Due to the varying nature of the issues involved in peer support, some peer support team member activity may be communicated at regularly scheduled PST meetings. In circumstances where more timely supervision or consultation is needed, team member activity should be communicated to the clinical supervisor or team coordinator as soon as practical. In emergencies or

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circumstances involving critical intervention, PST members should contact the clinical supervisor or team coordinator immediately.

If the information pertaining to a member's peer support activity is assessed by the team member as inappropriate for discussion in a regularly scheduled group PST meeting, the PST member should arrange to discuss the interaction(s) privately.

**Confidentiality:**

Issues discussed during peer support are confidential within the parameters specified by law, department policy, and clinical supervision. Safeguarding acquired information is a primary obligation of team members. Subject to the limitations of law, information received in confidence shall not be revealed without the express consent of the person involved. Express consent to reveal information constitutes a waiver of confidentiality. In cases where express consent is granted, information will be provided only to those specifically designated to receive the information.

Team members must advise all persons with whom they interact in a peer support role of the limitations of peer support team member confidentiality. This includes that the information discussed can be communicated to the clinical supervisor.

In the event that information received in a peer support interaction must be revealed by mandate of law, PST members shall reveal such information only after an effort to elicit the person's voluntary disclosure has failed. In cases where it is appropriate, the peer support team member should inform the person of the obligatory actions necessary. Information revealed under such circumstances shall be provided only to the appropriate persons and public authorities.

In the unlikely event that a PST member receives information during a peer support interaction that there is a viable threat of harm or violence toward another person or persons, a duty to warn exists. This information is not confidential. The PST member must warn the threatened person(s), contact the team coordinator or clinical supervisor immediately, and take any other actions deemed appropriate for the circumstances.

**Availability for Call-out:**

The Peer Support Team Coordinator will provide Dispatch with a list of team members. In the event that PST support is requested through Dispatch, Dispatch will contact the team coordinator. If the team coordinator is unavailable, an assistant coordinator will be contacted. The coordinator or assistant coordinator contacted will assess the circumstances and arrange for appropriate PST response and intervention.

In the event that the PST coordinator and assistant coordinators

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cannot be contacted, Dispatch will continue to call team members in the order listed in Dispatch until a team member is contacted. The team member contacted will then act as coordinator. This team member will assess the circumstances and arrange for appropriate PST response and intervention.

#### **Resignation from the Team**

Peer Support Team members may resign from the team by submitting a written resignation to the team coordinator. Any team member considering resignation must be certain that all ongoing peer support interactions are appropriately terminated, referred to other team members or the clinical supervisor, or referred to professional counseling resources.

#### **Removal from the Team**

The Sheriff may remove any team member from the Peer Support Team. The team coordinator in consultation with the clinical supervisor may request that the Sheriff remove from the Peer Support Team any member who has been determined to have acted in violation of law, departmental policy, or the PST operational guidelines. Such a request may also be presented when a team member has been determined to have acted in a manner that undermines the credibility or fundamental ethical principles of the Peer Support Team.

#### **PEER SUPPORT TEAM COORDINATOR**

217-4

The PST team coordinator is appointed by the Sheriff. The team coordinator is the primary spokesperson for the PST and represents the team in matters involving department staff, agency, and interagency issues. The PST team coordinator is administratively responsible for the PST's operational status. The team coordinator and the clinical supervisor function as co-chairpersons during PST team meetings.

Assistant team coordinators will be selected in compliance with department policy. Assistant team coordinators assist the team coordinator and clinical supervisor in the performance of their duties. They function as the PST coordinator in the absence of the team coordinator. An acting team coordinator will be appointed by the team coordinator during periods of absence of the team coordinator.

The PST Coordinator will:

Schedule periodic and relevant training for the members of the team.

Lead the process of selecting or deselecting members of the team.

Keep in contact with team members to assess, advise and support them on issues of members they might be dealing with.

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Keep in contact with the PST clinical supervisor involved with the team and advise them on any matters needing their attention.

All conversations regarding these matters will be kept in confidence in accordance with Department policies and the Law.

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**218 ADVANCED AND IN-SERVICE TRAINING**

The Department is committed to a continuous process of training by which aptitudes, skills, and abilities of Department personnel are developed and maintained as required by the Standard Operating Procedures manual.

Annual training of the All Hazard plan will be provided annually to the affected agency personnel (ERT and SWAT).

**DEFINITIONS:**

**ADVANCED TRAINING**

That training which is typically new information to an employee and may or may not be core task related or require a special level of expertise.

**IN-SERVICE TRAINING**

General terminology describing any level of required or non-required training that is Law Enforcement related and is specifically generated by, or for Department personnel. All sworn personnel are to participate in an annual in-service training program that will also meet the State of New Mexico in-service training requirements, including annual legal updates. All personnel will receive ethics training at least biennially.

**CONFERENCE/SEMINARS**

Typically those schools or educational functions which may or may not be required but do not meet state certification requirements; therefore, are not training hours which may be added to the state minimum requirements for in-service and advanced training.

**SPONSOR**

Person, group or organization providing training.

**REMEDIAL**

Training to enhance job related skills or improve deficiencies in job related tasks.

**MAINTENANCE TRAINING**

Training which is maintained as required by rule regulation or law in an effort to meet state or Department minimum requirements.

**DEPARTMENT POSTING**

A Department Memorandum addressing school attendance and

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availability.

**218-1 DEPARTMENT TRAINING REQUEST FORM**

A standardized form labeled "G" utilized by all personnel when requesting training.

**RULES AND PROCEDURES:**

- A. Selection for attendance at conferences, seminars, schools and in-service training is open to all sworn personnel, unless otherwise specified by the sponsor. Training assignments may be directed on an individual basis without a Department wide posting if:
  - 1. Training is maintenance related, or remedial in nature and attendance is required by specified personnel in which case personnel will be directed to attend.
  - 2. Time is insufficient to process necessary requirements.
  - 3. There is a sponsor mandated prerequisite.
- B. Non-sworn personnel are eligible for training programs in relation to their current or anticipated assignments.
- C. All sworn personnel are to meet the minimum State of New Mexico In-Service training requirements.
- D. A Department Memorandum (posting) will be issued announcing:
  - 1. Type and/or subject matter of training;
  - 2. Date, time and location;
  - 3. Number of positions available;
  - 4. Criteria for attendance;
  - 5. Instructions and deadline for submission of letter of request.
- E. Unless advised otherwise, personnel desiring to attend training will submit a Department Training Request Form requesting their selection and why they feel they are qualified for the training, through the chain of command to the Training Section. This will assure accurate tracking of the education process and required training elements.
  - 1. The Sheriff or his designee shall make the final selection. The chain of command reviewing the training request will consider the Department needs, as well as individual personnel, professional and personal development needs and desires.
  - 2. If there is insufficient time to complete the procedures in D and E, personnel will be selected by the Sheriff or his staff.



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3. Request to attend training shall be submitted as far in advance as possible. Short request notification (less than 3 weeks) may be declined due to the time required to properly process training request, travel arrangements, purchase orders etc.
- F. Personnel selected or assigned to attend specific training are required to attend the training unless advised otherwise by a supervisor. Failure to attend and/or failure to successfully complete selected or assigned training will be evaluated on an individual basis through the chain of command.
- G. The Training Section staff typically handles arrangements related to matters of money expenditures, such as tuition, per diem, reimbursements, and transportation. Specific information may be obtained in section 219.00 of the Standard Operating Procedures manual.
- H. After successful completion of a training program it will be documented either on an attendance log or by the issuance of a certificate. A copy of which will be placed in the employee's personnel file. An employee successfully completing an outside training program will forward a copy of a certificate to the training coordinator for placement in his/her training file.

**218-2 REMEDIAL TRAINING**

Agency personnel may be required to participate in remedial training if determined by the personnel's supervisor or command officer. Remedial training can be used to improve job performance when deficiencies are identified. Any such deficiency should generally be documented prior to the remedial training. Remedial training may also be used as a function of discipline.

- A. At the discretion of the supervisor or command officer, the supervisor or command officer may perform remedial training.
  1. A supervisor or command officer with Instructor Development training may conduct the training and contact the training academy for assistance in obtaining lesson plans or other training programs available to utilize in the remedial training.
  2. The training academy may also perform remedial training in most situations.
  3. As a function of discipline remedial training can be used to correct or modify behavior or deficiencies in performance. This training will be within ten working days in order to improve employee productivity and effectiveness.
  4. The training academy will utilize standardized blocks

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of instruction for high liability areas such as  
Firearms, EVOC, Use of Force, and Constitutional Law.

- B. Documentation concerning the successful completion of remedial training will be forwarded to the training academy and included in the employee's training file.

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**219 BUSINESS TRIPS**

The Department shall provide training opportunities outside of the metropolitan area for sworn and non-sworn personnel. The following procedures will be used as a guide to personnel participating in a business trip.

**RULES AND PROCEDURES:**

**219-1 COUNTY BUSINESS TRIPS**

- A. Travel outside the County Bernalillo, not overnight:
  - 1. May be authorized by the Sheriff.
  - 2. A gasoline credit card may be secured from the Administration Section.
  - 3. Per diem will not be paid unless over two hours.
- B. Upon return, personnel will contact the Training and Administration Section for reimbursement of expenses.
- C. Travel overnight whether in-state or out-of-state:
  - 1. Requires prior approval by the Sheriff.
  - 2. Deputies must contact the Training Section and complete Travel Request Form.
  - 3. If a Department, County, or privately owned vehicle is used, a gasoline credit card will be obtained from the Administration Section.
  - 4. If public transportation is used, a round trip ticket for the most direct route will be obtained by the Training Section. Airline travel will be either economy or coach fare, if available.

**219-2 REIMBURSEMENT**

- A. Out-of-pocket expenses must be validated by receipt.
- B. Will be made in accordance with state law, county ordinance, or county policies and procedures.
- C. All requested receipts must be submitted within one (1) week of the course completion date.

Effective date: May 22, 2012

**219-3 FREQUENT FLYER PROGRAM**

Department Personnel will not use, or cause to be used, Frequent Flyer Program benefits, if available, arising out of duty performance. If benefits are received by any means during the performance of County job duties, assigned personnel will submit any benefit vouchers to their supervisor for disposition.

Effective date: May 22, 2012

Effective date: May 16, 2014

## **220 PERSONNEL PERFORMANCE EVALUATION**

The Department shall achieve the objectives and goals outlined in the Departmental mission statement. The Department must depend on the satisfactory work performance of all personnel. A Performance Evaluation is the measurement of "on-the-job" work product of assigned duties to ensure the best use of available human resources.

### **DEFINITIONS:**

#### **PERFORMANCE EVALUATION FORM**

The evaluation form used by all sworn supervisors for the purpose of rating sworn personnel.

### **RULES AND PROCEDURES:**

#### **220-1 PERFORMANCE EVALUATION SYSTEM**

- A. The system utilized in evaluating the work performance of sworn personnel.
- B. The performance evaluation form is designed to evaluate the knowledge, skills, and abilities specific to the position occupied by the personnel during the rating period and set reasonable, attainable, and measurable goals for subsequent periods.
- C. Measurement definitions are as follows:
  - 1. Needs Improvement - unsatisfactory work performance in a category and requires a written explanation with a plan for performance improvement.
  - 2. Meets Performance Standards - the minimum acceptable standard for work performance in a category.
  - 3. Exceeds Performance Standards - these work standards that exceed the minimum acceptable standard in a category but does not meet the Far Exceed criteria.
  - 4. Far Exceeds Performance Standards - the highest obtainable work performance standard in a category.
- D. Performance evaluations will be given consideration when determining questions of promotions, career development, recommendations for assignments, in-service training, commendations and awards.



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**220-2 RATER/SUPERVISOR RESPONSIBILITIES**

- A. The rating supervisor will ensure that the job description is current for the position being rated.
- B. All completed performance evaluation forms will be reviewed and signed by supervisors in the appropriate chain of command to the Division Commander level. Any additional comments made by reviewing supervisors will be made on a separate sheet of paper and attached to the evaluation form.
- C. Personnel performance evaluations will be based on the current rating period only. The prior performance appraisal will be reviewed to determine if satisfactory performance on Goal/Objective(s) has been attained.
- D. The Special Weapons and Tactics Team Commander will evaluate all team personnel on a semi-annual basis in addition to evaluations by team members' immediate supervisors in their primary assignment.
- E. Performance evaluation training will be incorporated into annual In-Service training for sworn personnel.

**220-3 REVIEW OF PERFORMANCE APPRAISALS**

- A. Performance appraisals will be completed in a timely manner and be reviewed by the rater and personnel in an interview type meeting.
- B. Personnel who receive less than satisfactory appraisals may challenge the ratings and submit documentation in support of their objections to the Division Commander, or in case of personnel not assigned to a specific Division, to the Sheriff.
- C. After considering the letter of objection and documentation submitted, the reviewer may sustain the supervisor's appraisal, modify the appraisal, or direct the completion of another appraisal.
- D. The immediate supervisors of the member being evaluated will review the evaluation prior to the employee's review and signature.
  - 1. The supervisory level of review will be limited to the Division Commander level. This method of review will provide a collaborative management effort in the evaluation process.
- E. Supervisory personnel will establish and set reasonable, attainable, and measurable goals for the subordinate personnel for the next rating cycle. The attainment of the goal(s), or lack thereof, will be addressed in subsequent

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performance appraisals.

1. In order to evaluate the previous goal standard established for the subordinate, supervisory personnel must review the previous member's performance appraisal.
2. The supervisor and member should attempt to reach mutual agreement on goal establishment, attainment, and maintenance if possible.
3. The supervisor will provide career counseling at the time of the review which may include such topics as career advancement, specialized training or any other training and/or remediation relevant to the members' position.

220-4

**UNSATISFACTORY PERFORMANCE**

- A. Unsatisfactory performance may be demonstrated by a lack of knowledge of laws or procedures to be followed, an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the person's rank, grade or position, failure to take appropriate law enforcement action in a matter deserving such attention, lack of response to training, or absence without leave.
- B. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance:

1. Repeated poor evaluations.

220-5

2. Written record of repeated infractions of rules, regulations, directives, or orders of this Department.

**TIME SCHEDULES FOR PERFORMANCE APPRAISALS**

- A. All Sworn personnel will have performance appraisals completed semi-annually by their immediate supervisor. All Civilian staff will have an annual evaluation.
- B. Performance appraisals, in addition to the semi-annual requirement will be required for the following:
  1. Monthly, for probationary personnel.
  2. Weekly Evaluation Reports for personnel attending the Regional Academy, and Daily Observation Reports while participating in the Field Training Officer Program.
    - a. At the end of the F.T.O. program, the F.T.O. Sergeant will submit an agency performance appraisal recommending release, extension, or termination, from

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the F.T.O. program.

3. Monthly, for members promoted to the ranks of Sergeant or Lieutenant, for the duration of their probationary period.
    - a. At the end of all probationary time periods, the superior officer shall complete an agency performance appraisal and must make a recommendation to the Sheriff that the subordinate is released, extended, demoted or terminated, based on their probationary performance.
  4. Upon the initiation of personnel action in which termination, suspension of ten (10) days or more, demotion, or extension of probationary status is recommended by the immediate supervisor, or Division Commander.
- 220-6
5. All sworn personnel will be evaluated using the Standardized Performance Evaluation System regardless of assignment.

**EXIT INTERVIEW PERFORMANCE EVALUATION**

A Performance Evaluation will be completed and an interview will be conducted with an employee under the following condition:

- A. When an employee is being transferred from one Division to another or from one primary assignment to another.

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**221 PROMOTIONS**

This Department shall provide a career development path for all personnel, in order to promote, develop, and improve knowledge, skills, and abilities so that personnel are more qualified for specialized positions and promotions.

The Administration is committed to ensuring that Departmental personnel have equal access to training and development opportunities.

**RULES AND PROCEDURES:**

**221-1 PERMANENT POSITIONS**

- A. All promotions to permanent positions will be from personnel of the Department.
- B. The Sheriff shall promote Department personnel according to the provisions and guidelines of applicable County ordinances and collective bargaining agreements. Promotional processes for the ranks of Captain and Chief Deputy will be determined by the Sheriff. Vacant positions for the ranks of Captain and Chief Deputy will be posted by and screened through County Human Resources.
- C. All testing materials for promotional processes are confidential and are secured by the appropriate party (Contracted company, Professional Standards Division Commander, or the Sheriff).

**221-2 TEMPORARY PROMOTION**

- A. The Sheriff shall promote sworn personnel holding the permanent ranks of Deputy First Class, Sergeant, and Lieutenant to the next higher rank on a temporary basis as follows:
  - 1. The temporary promotion is made only to fill the vacancy of a person holding a permanent rank.
  - 2. Selection of the personnel will be accomplished by the Sheriff, or his designee.
  - 3. The temporary promotion will not exceed six (6) months in duration.
  - 4. No temporary promotion will be made to fill a vacancy of five (5) working days, or less.
  - 5. The effective date of the promotion shall be the date on which the duties were assigned.
  - 6. All applicable County forms will be completed and approved.

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7. When the Deputy fills the duties of a supervisor under this section, that Deputy will be compensated at five percent (5%) of his/her base rate or entry level base rate for the supervisory position they are assuming, whichever is greater.
8. The member(s) selected for temporary promotion will assume all of the duties and responsibilities of the person they are replacing, and will be held accountable for the same.
9. The Sheriff shall cause a Department Memorandum to be issued in all instances when temporary promotion is effected or terminated.

Effective date: May 22, 2012



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**222 RETIREMENT**

The following guidelines will apply to personnel choosing to retire positions with the Department.

**RULES AND PROCEDURES:**

**222-1 RETIREMENT**

- A. All sworn and non-sworn personnel shall submit to the Sheriff a letter of intent to retire no later than six (6) months prior to the effective date of retirement. The letter shall detail the manner in which accrued leave shall be utilized.
- B. On the date of their retirement, sworn personnel may request to be honorably promoted to the next higher rank. Such promotions will be granted upon decision of the Sheriff and are considered "Honorary" only. Such promotions will not affect their permanent rank within the Department, nor will it in any way influence their retirement benefits or compensations.
- C. Employee retirement benefits shall be in accordance with the provisions of N.M.S.A. 1978 Section 10-11-1, Municipal Policy Plan 5.

**222-2 WEAPONS PURCHASE REQUEST**

- A. Sworn personnel may purchase up to two duty weapons. Deputies requesting to purchase their duty weapon will use the Weapon Purchase Request form, the form will be submitted to the Sheriff through their chain of command for approval and forwarded to the Property/Inventory manager for review and processing. The purchase price for the weapon(s) shall be fair market value as determined via appraisal by a federal firearms licensed dealer. A check for the appraised amount will then be given to the property manager, who will then release the purchased fire arm(s) to the Deputy.

Effective date: May 22, 2012

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Effective date: May 22, 2012

**224 DISCIPLINE**

The Department shall ensure that disciplinary action is taken only for just cause and in a timely and consistent manner.

**RULES AND PROCEDURES:**

**224-1 OBSERVATION OF DEPARTMENT RULES**

The Department maintains a set of rules to encourage high professional standards. All personnel shall observe the Department's rules. The fair and impartial enforcement of the rules serves as a cornerstone for a more professional Department.

**224-2 SUPERVISORY RESPONSIBILITY**

Supervisors are charged with the responsibility of initiating corrective action when violations of Departmental or County rules, procedures or policies are violated. Supervisors are also charged with the responsibility of initiating corrective action when violations of the collective bargaining agreements occur.

Prior to initiating disciplinary action, supervisors shall research available records and files as well as attempt to interview all available individuals sharing knowledge of the events upon which the disciplinary action is based.

**224-3 VERBAL AND WRITTEN REPRIMANDS**

All supervisors have the authority to issue verbal and written reprimands utilizing the requirements contained in the applicable collective bargaining agreements and the Personnel Rules & Regulations, as applicable.

**224-4 SUSPENSIONS**

Suspensions without pay may be given as follows:

- A. Sergeant - up to three (3) work days.
- B. Lieutenant - up to five (5) work days.
- C. Captain - up to ten (10) work days.
- D. Chief Deputy - up to thirty (30) work days.
- E. Undersheriff - up to thirty (30) work days.

**224-5 PROCEDURE FOR SUSPENSION/DEMOTION/DISMISSAL**

**A. Notice of Intent**

The supervisor initiating the disciplinary action, following completion of an investigation, shall prepare a "Notice of Intent to Suspend/Demote/Dismiss" utilizing the appropriate form.

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The Legal Department is available for consultation and review of disciplinary actions. CountyLegal may be contacted if directed or authorized by the Division Commander.

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**EXAMPLE**

Date \_\_\_\_\_  
Employee \_\_\_\_\_  
Bernalillo County Sheriff's Department

**Via Hand Delivery**

**RE: Notice of Intent to \_\_\_\_\_**

Dear Employee:

Pursuant to (Article(s) \_\_\_\_\_ of the collective bargaining agreement between \_\_\_\_\_ and the Deputy Sheriff's Association/Article(s) \_\_\_\_\_ of the collective bargaining agreement between Bernalillo County and the White Collar Union/Section \_\_\_\_\_ of the Personnel Rules & Regulations) you are hereby provided notice of my intent to terminate your employment as a result of the following:

**Set forth all facts upon which you intend to take discipline.**

The above-referenced conduct violates (cite provisions of the collective bargaining agreement, Standard Operating Procedures, Personnel Rules & Regulations, State or Federal Law, as appropriate.)

Your conduct and actions were inappropriate, unprofessional and inconsistent with your obligations as a County employee and constitute conduct unbecoming an employee of the Bernalillo County Sheriff's Department.

You are hereby notified of your right to a pre-determination hearing. A pre-determination hearing has been scheduled for \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (AM/PM), in my office. This meeting is to afford you the opportunity to present your reasons why the proposed action should not be taken. You also have the right to grieve the final decision.

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**225 RELIEF OF DUTY**

The Department shall take immediate action to deal with personnel who are physically or psychologically unfit for duty or who violate Department policies, procedures, and rules or commit other serious offenses or infractions.

**RULES AND PROCEDURES:**

**225-1 RELIEF FROM DUTY BY SUPERVISOR**

- A. Any supervisor or command officer may relieve an employee from duty, with pay, when the supervisor/Commander has good cause to believe the individual is physically or psychologically unfit for duty.
- B. Should personnel be charged with a violation of Department policies, procedures, rules, or a serious offense or infraction, or when it appears that dismissal from employment is likely, a supervisor or Commander may relieve personnel from duty, with pay, pending final dispositions of charges by the Sheriff.
- C. The Sheriff may relieve personnel from duty, with or without pay, when he has cause to believe the individual is physically or psychologically unfit for duty.

**225-2 RELIEF FROM DUTY DURING NORMAL WORKING HOURS**

During normal business hours when an immediate relief of duty has been directed by a Commander, the supervisor(s) shall escort the accused to the office of the Sheriff. The supervisor(s) shall then present the accusation and any documentation to the Sheriff.

**225-3 RELIEF FROM DUTY AFTER DUTY HOURS**

During other than normal business hours when an immediate relief of duty has been directed, the following steps will be followed:

- A. The supervisor shall direct the personnel to report to the office of the Sheriff at 0800 hours the next business day. In the event that several days will pass before the next business day, the supervisor will instruct the violator as to whether or not he shall be permitted to work any intervening shifts. Further, he shall inform the Sheriff of what has transpired before going off-duty.
- B. The supervisor shall completely document all pertinent facts concerning the infraction, the action taken, and his recommendations complete with justification for further action.

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Effective date: September 11, 2015

## **226 INTERNAL AFFAIRS**

This agency shall have a functioning Internal Affairs Unit in operations at all times. The Internal Affairs Unit acts as a staff investigative body, responsible to the Sheriff, and reporting directly to the Sheriff for the purpose of conducting administrative investigations with four major purposes:

1. To assist in maintaining Department integrity.
2. Identify members or employees guilty of misconduct so that they may be retrained or corrected, or, if unacceptable for further law enforcement service, be removed through proper administrative action.
3. Protect innocent sworn and non-sworn personnel.
4. Enable a legal advisor to render professional legal counsel to the Sheriff or his representatives.

The section establishes the guidelines for conduct of Internal Affairs investigations and the official relationship of the Internal Affairs Unit with all organizational sub-divisions of the Department. Discipline is a function of command. The existence of an Internal Affairs Unit in no way lessens a commanding officer's responsibility. In an effort to ensure that investigations are conducted in a manner which is conducive to good order and discipline, the following guidelines are promulgated.

The guidelines for the investigation of potential violations set down in the section apply to all Departmental supervisors and are to be used when investigating any type of violation which could result in disciplinary action.

### **POLICY AND PROCEDURES:**

#### **226-1 INVESTIGATIVE PROCESS FOR COMPLAINTS**

- A. The Internal Affairs Unit, when directed by the Sheriff, shall conduct administrative investigations and make appropriate reports of cases involving:
  1. Allegations or complaints of misconduct by personnel which, if found to be true, would likely result in disciplinary action. Such investigations will not be initiated except by specific direction of the Sheriff, and a complaint, is first received by the Internal Affairs Unit.
  2. Allegation of actions or conditions involving breaches of integrity, security, or moral turpitude.
  3. Situations where any person has been killed or seriously injured through the use of deadly force by a member or employee who was on or off-duty.

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4. Situations involving the discharge of a firearm by Department personnel acting in a real or assumed official capacity other than for sport activity or approved firing at the firing range.
  5. Complaints by Department personnel of internal personal harassment, threats, unjust treatment, or false accusations.
  6. Department personnel will record and handle complaints as outlined in the SOP, to include anonymous complaints.
  7. Any other incident when directed by the Sheriff or his designee.
- B. Any person claiming to be aggrieved by actions of Department personnel may file a complaint against the Department or any of its personnel.
- C. All complaints must be received by the Internal Affairs Unit not later than one hundred eighty (180) days following the date of the alleged incident and unlimited time if the allegation is a Civil Rights violation or Criminal.
- D. The complaint will be investigated by the Department. The findings of the complaint will be reviewed by the Sheriff or his designee. The Sheriff may take any action he deems necessary, including disciplinary action, to complete the disposition of the complaint.
- E. All complaints will be reviewed by the Sheriff to determine if the complaint merits investigation by the Internal Affairs Unit.
- F. From the day the complaint is signed, the IAU investigation must be completed, reviewed by the chain of command for the Deputy (or Deputies) being targeted and, if necessary, discipline given to the Deputy (or Deputies) shall occur within one-hundred and fifty (150) calendar days. In cases whereby a need for a criminal investigation of the complaint occurs after its signature, because the IAU case will then be paused, the 150 counting clock shall too be paused. The 150 day timeline shall resume upon the date of formal reactivation of the IAU case, following completion of the criminal investigation.
1. If the department require more than 150 calendar days to complete the IAU and disciplinary processes, a written request should be made to the Sheriff for a single thirty (30) calendar day extension. Extension shall be limited to only one (1).

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## **226-2 RECORDS MAINTENANCE**

- A. All files and reports of investigations by the Internal Affairs Unit are confidential and are maintained in a secure area. A record of these files and all complaints against these employees are also recorded in BCSO IA Manager. They are intended for the exclusive use of the Sheriff, or who he deems necessary. Actual files, Photostats, or abstracts may be released only upon the specific approval of the Sheriff, or in compliance with a lawful court order; provided, however, personnel shall have the right to review his own Internal Affairs file, along with his own personal representative, after the completion of the investigation, if requested in writing and approved by the Sheriff.
- B. Risk Management adjusters/investigators must submit a written request to the Sheriff to review specific case files. Written authorization from Risk Management assigning the investigator and/or the investigator's company to the case must be attached to the request for review.
- C. No one will be permitted to review any Internal Affairs material without authorization from the Sheriff.
- D. The investigator/adjuster will review the file(s) in a room in the Internal Affairs Office as provided by the Sheriff. The investigator/adjuster may not make copies of any documents contained in the Internal Affairs file without the consent of the Sheriff, or in compliance with a lawful court order.
- E. Records in the Internal Affairs Unit shall be maintained according to the standards established by the State of New Mexico and the current contract with the BCDSA.

## **226-3 STATEMENTS**

- A. The interview of sworn or non-sworn personnel shall be at a reasonable hour, preferably when that personnel is on-duty, unless the event under investigation dictates otherwise.
- B. The interviews shall take place at a location designated by the investigator.
- C. The sworn or non-sworn personnel shall be informed of the rank and name of the interviewing member and all persons present during the interview. If that personnel is directed to leave his post and report for an interview, his watch Commander or immediate supervisor shall be promptly notified of his whereabouts by the investigating member.
- D. The sworn or non-sworn personnel shall be informed of the nature of the investigation before any interviewing commences, including the name of the complainant. The address of the

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complainant and/or witnesses need not be disclosed; however, sufficient information to reasonably appraise a sworn or non-sworn personnel of the allegations should be provided. If it is known that the personnel being interviewed is a witness only, he should be so informed at the initial contact. He shall also be informed that statements may not be used against him in a criminal proceeding, unless those statements are found to be untruthful. If a sworn or non-sworn personnel is not informed of the nature of the investigation and the name of the complainant, he shall not be required to answer any questions until he is so informed.

- E. The questioning shall not be overly long. Reasonable respites shall be allowed. Time shall also be provided for personal necessities, meals, telephone calls, and rest periods as are reasonably necessary.
- F. Sworn or non-sworn personnel shall not be subjected to any offensive language, nor shall he be threatened with transfer, dismissal, or other disciplinary action by any member of the Internal Affairs Unit. However, he shall be informed at the outset of the interview that any personnel found to be knowingly withholding evidence or information pertaining to an investigation will be subject to disciplinary action or dismissal. No promises of reward shall be made as an inducement to answering questions.

Interviews shall be limited in scope to activities, circumstances, events, conduct or acts which are relevant to the incident which is the subject of the investigation. Nothing in this Article shall prohibit questioning the employee about information which is developed during the course of the interview.

- G. The complete interview of the sworn or non-sworn personnel shall be recorded, and may be transcribed. There will be no "off-the-record" questions or statements. All recesses called during the questioning shall be noted on the recording. The tape recording shall be preserved and may be introduced before an Arbitrator, in the event the employee declines to sign the verbatim transcript of the recording.
- H. If the employee is under arrest or is likely to be, he shall be given his "Miranda" rights.
- I. A copy of the complainant's statement will be provided to the Risk Management investigator/adjuster upon request.
- J. Copies of statements made by witnesses, not sworn or non-sworn personnel of the Department, may also be provided to the Risk Management investigator/adjuster upon request.
- K. A copy of the statement made by sworn or non-sworn personnel will be provided only to that sworn or non-sworn personnel upon the employee's request.



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- L. The sworn or non-sworn personnel may then provide a copy of their statement to the Risk Management investigator and, "stand on their statement", rather than having to spend time going through a lengthy interview/statement session.
- M. Internal Affairs will not provide Risk Management with copies of a sworn or non-sworn personnel's statement(s). Such requests can only be granted by the individual personnel.
- N. A copy of any statement made by a sworn or non-sworn personnel who is the subject of the complaint, will be provided to that personnel upon request. Prior to the concerned personnel submitting to an interview or providing a Risk Management investigator with any information, they may consult with an attorney.
- O. Sworn or non-sworn personnel should not submit to interviews or provide copies of statements until they are sure that the individual contacting them has been assigned to the case and is authorized to have access to that information.

#### **226-4 SUPERVISORS RESPONSIBILITIES**

- A. Supervisors will initiate investigations of breaches of conduct of personnel under their direction when a suspected infraction is observed or allegation is tendered to them, regardless of the source of the complaint or allegation.
- B. Supervisors who fail to initiate an investigation or take appropriate action when infractions are observed or reported to them will be subject to disciplinary action or dismissal.
- C. Supervisors who use inappropriate disciplinary tactics will be subject to disciplinary action or dismissal.
- D. Alleged or suspected violations of law, rules and regulations and/or misconduct by sworn or non-sworn personnel shall be reported in writing to the Internal Affairs Unit by the supervisor, by the next business day after receiving information indicative of serious misconduct. A copy of that written report shall be forwarded by the writer, through his chain of command, to the Sheriff, promptly. The supervisor of the Internal Affairs Unit shall then communicate with the Sheriff, to insure that prompt, appropriate action is being taken. In all serious situations involving Department personnel, the supervisor shall immediately notify the Internal Affairs Unit. This obligation is waived in those cases where a supervisor has direct knowledge that a written report of the same incident or allegation has already been submitted. This waiver does not relieve a supervisor from the requirement to submit any other reports or information called for in the course of the investigation.
- E. The following categories of offenses/allegations need not be

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reported to the Internal Affairs Unit, but will be reported to the appropriate supervisor: (The minor incidents hereinafter set forth are not intended to be all inclusive.)

1. Tardiness in reporting for duty.
2. Improper wearing of the uniform.
3. Failure to carry and/or maintain official equipment.
4. Non-fatal traffic accidents.
5. Complaints and allegations relative to differences of opinion between personnel and citizens over issuance of a citation, unless there is an allegation of violation of law or Department order on the part of a sworn or non-sworn personnel.

**226-5 INTERNAL AFFAIRS INVESTIGATIONS**

- A. Internal Affairs activities are limited to investigations only; recommendations are the prerogative of supervision.
- B. The Sheriff, after reviewing the complete investigation, will classify the case as one of the following:
  1. Non Sustained - The investigation failed to produce a preponderance of evidence to either prove or disprove the allegation.
  2. Exonerated - The incident in fact did occur but the actions of the agency employee were legal, justified, proper and in accordance with the law and the agency policy and procedure.
  3. Unfounded - The allegation concerned an act by an agency employee which did not occur.
  4. Sustained - The investigation produced a preponderance of evidence to prove the allegation of an act which was determined to be misconduct.
  5. Misconduct not based on the complaint (MNBC) - During the investigation of the personnel complaint, allegations of misconduct were discovered which were not specifically alleged in the original complaint. These new, additional allegations are treated as separate, individual allegations similar to the above. The final classification would be:  
  
MNBC - NOT SUSTAINED  
MNBC - EXONERATED  
MNBC - UNFOUNDED  
MNBC - SUSTAINED
- C. The complainant shall be notified of the investigation outcome

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by mail, at the complainant's last known address.

- D. To avoid conflict or possible interference, it is vital members of the Internal Affairs Unit and other sworn or non-sworn personnel involved in investigations that are of mutual concern understand their official relationships.
- E. The Internal Affairs investigation is aimed primarily at determining the facts and circumstances relating to a sworn or non-sworn personnel's conduct, and Internal Affairs may call upon other units of the Department for support.
- F. The activities of the Internal Affairs Unit and those of criminal investigators may overlap in many areas. In those instances, the individuals involved should work in harmony in the best interests of determining the truth.
- G. In no case will any sworn or non-sworn personnel assigned to the Internal Affairs Unit furnish criminal investigators with statements or information that would violate any section of this manual.
- H. All complaints received in the Internal Affairs Unit should be reviewed by the Internal Affairs Commander. If the complaint could result in criminal charges, no sworn or non-sworn personnel assigned to the Internal Affairs Unit will interview employees who are potential witnesses or defendants in criminal actions prior to the completion of the criminal investigation.
- I. When an Internal Affairs Investigation indicates that a sworn or non-sworn personnel is likely to be charged with a criminal offense, the Internal Affairs Investigator will immediately notify the Sheriff, or his designee, so that prompt coordination can be accomplished between the Internal Affairs Unit and criminal investigators.

**226-6 INVESTIGATIVE EXAMINATIONS**

- A. The Sheriff can, by written directive, order any sworn or non-sworn personnel to submit to any deception detection examination or technique, including, but not limited to, the following types: mechanical, medical, or psychological.
- B. Deception detection examinations shall be employed only after all other reasonable investigative leads have been exhausted and under most circumstances the complaining party has successfully passed a similar examination.
- C. Any superior can order any subordinate to deliver or make available to him for examination any Department owned property, document, or other item felt by the superior to be beneficial in any investigation.

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**226-7 EMPLOYEE REPRESENTATION**

- A. In all non-criminal cases, the law imposes no obligation, legal or otherwise, on the Department to provide an opportunity for sworn or non-sworn personnel to consult with counsel or a personal representative when questioning by a superior or an Internal Affairs member about his employment or matters relevant to his continuing fitness for law enforcement service takes place. Nevertheless, in the interest of fundamental fairness, the Department shall afford for a sworn or non-sworn personnel, if he so requests, to consult with counsel or a personal representative before being questioned, provided the interview is not unduly delayed. Counsel, if available, or a personal representative of his choice may be present during the interrogation.
- B. Sworn or non-sworn personnel may have an attorney or personal representative of their choice present during interviews by the Internal Affairs Unit. Counsel or a personal representative shall be limited to one person who shall act only as an advisor to the personnel under investigation. The personnel under investigation may record his interview.
- C. If counsel or personal representative gives advice to his client and interferes in any way with the proceedings, it shall be the prerogative of the assigned investigator or

involved supervisor to withdraw permission for counsel to remain.

**226-8 DISCIPLINARY ACTIONS**

- A. No action, disciplinary or otherwise, shall be taken against sworn or non-sworn personnel as a result of an unfounded complaint, and absolutely no consideration thereto will be given in reference to promotion, transfer, or other administrative action.
- B. In cases involving a series of non-sustained excessive use of force complaints, the Sheriff or his authorized representative may direct the involved personnel to attend additional training or non-disciplinary counseling in an attempt to reduce a number of these types of complaints.

**226-8 EARLY WARNING SYSTEM PROCEDURES**

- A. The Bernalillo County Sheriff's Department has a responsibility to its employees and the community to identify and assist employees that show symptoms of job stress and/or performance problems. Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain types of criteria be reviewed routinely as possible

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indicators of behavior patterns.

The Early Warning System has been established to provide a systematic review of complaints received by this Department. It is designed to highlight tendencies in complaints that may otherwise be overlooked by the Department. A report will be generated by the Early Warning System for those Deputies that meet the criteria set forth under the system.

2. Three indicators listed below are criteria for identification under the Early Warning System within a one year period:

- A. Opened Internal Affairs Complaints against a Deputy to include Use of Force and Excessive Use of Force incidents.
- B. Shooting incidents by a Deputy. (Includes all shooting incidents outside of a scheduled training class or quarterly range qualification).
- C. Motor vehicles pursuits.
- D. Chargeable accidents.

3. The Internal Affairs Commander identifying Deputies that meet the criteria under the Early Warning System within a one year period will generate a report. The report will be sent to the deputy's Division Commander and will include Deputy's name and a brief reason that the Deputy was identified. The Division Commander will then cause the following steps to be taken in reviewing the Deputy's behavior:

A. The Division Commander or the Deputy's supervisor will review the complaints received by the Department in the last one year period.

B. Research all incidents of response to aggression (use of force reports) by the Deputy.

C. Research all resisting arrest cases the Deputy was involved with in the last one year period.

D. Review the use of sick time used by the Deputy in the last one year period.

E. Research all battery on a police officer cases the Deputy was involved in the last one year period.

F. Research all arrested subject injuries cases the Deputy was involved in the last one year period.

G. Research all officer injury reports concerning the Deputy in the last one year period.

H. Review all vehicle pursuits the Deputy was involved in the last one year period.

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I. Review all vehicle accidents involving the Deputy in the last one year period.

J. Review all Department Civil Litigation the Deputy is involved in the last one year period.

4. The Division Commander or the Deputy's supervisor will then generate a report to the Sheriff detailing why the Deputy was identified by the Early Warning System. The report will also recommend any action that the supervisor feels the department needs to take including but not limited to:

A. No-action (The Deputy's behavior has been deemed appropriate).

B. Supervisory Counseling

C. Peer Counseling

D. Periods of supervised observation in the field

E. Psychological Counseling

F. Drug testing if reasonable suspicion exists

G. Alcohol rehabilitation

H. Reassignment

I. Remedial training

J. Stress reduction training

A follow up report will also be generated showing that the Deputy successfully completed whatever action was deemed appropriate.

5. The Early Warning System and its reporting needs to be used in light of helping the Deputy first if possible and then in supporting the Department in any action it may deem is necessary. The Early Warning System and its reports are not to be deem as disciplinary action

The Internal Affairs Commander will annually review this system and document the review.

The Early Warning System reports make no conclusions or determinations concerning job stress or performance problems. They are designed as a resource to assist supervisory personnel in evaluating and guiding the Deputy.

Effective date: September 11, 2015

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Effective date: May 22, 2012

**227 ACCIDENT REVIEW COMMITTEE**

This Department will convene a Accident Review Committee to review Sheriff's vehicle accidents and safety awareness concerns.

**RULES AND PROCEDURES:**

**227-1 BOARD APPOINTMENTS**

- A. The Sheriff shall establish a Committee consisting of three (3) members to review all accidents involving County owned/leased vehicles. The objective of this Committee is to reduce accidents and liability issues, and to provide for safer working conditions for the employee and the public. The Committee shall accomplish its stated objective by reviewing reports, including those prepared by the employee by way of interoffice correspondence. These reports shall be reviewed in order to determine the causation factors. One Committee member shall be employed by the Bernalillo County Risk Management Division.
- B. The employee may submit evidence regarding his alleged involvement in the accident. Such evidence shall not be limited to written evidence but may also include tape transcripts, photos or any other relevant evidence. The employee shall not be present during the Committee meeting.
- C. The Committee shall meet no less frequently than monthly and shall post an agenda at least ten (10) days prior to each such meeting.

**227-2 BOARD MEMBER QUALIFICATIONS**

- A. One Committee member shall be employed by the Bernalillo County Risk Management Division.
- B. One Committee member shall be an Advanced Traffic Accident Investigator certified by the NMLEA and a full time sworn employee. Management shall provide a list of ten (10) such investigators to the Association from which the Association may select.
- C. One such Committee member shall be a Certified Driving Instructor (recognized by NMLEA) and a full time sworn employee.

**227-3 REVIEW OF SHERIFF'S VEHICLE ACCIDENTS**

The Board, when reviewing Sheriff's vehicle accidents shall:

- A. The Chair, elected by the Committee members, shall notify the subject employee's Division Commander in writing, within five (5) days of the Committee's finding(s) of cause

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Effective date: May 22, 2012

and recommendation for avoidance of any recurrence of such accident.

- B. All accidents shall be reviewed within sixty (60) days of their occurrence.
- C. Only accidents shall be reviewed by the Committee. All events involving a County owned/leased vehicle and another vehicle or person which results in personal injury, damage to any vehicles or damage to property, shall be reported as an accident and shall be subject to review by the Accident Review Committee. All other events involving a County owned/leased vehicle arising from the operation of such vehicle which result in damage to the vehicle such that the vehicle becomes inoperative and requires that it be towed from the scene, shall be reported as an accident and shall be subject to the provisions hereof.
- D. Employees shall be required to file incident reports for all other events that results in damage to a County owned/leased vehicle. Examples of the foregoing are set out below. Incidents include, but are not limited to, the following:
  - 1. vehicle damage resulting from road hazards;
  - 2. minor parking lot damage;
  - 3. damage to vehicle glass resulting from stones or other road hazards;
  - 4. damage from vandalism;
  - 5. damage to vehicles resulting from necessary use of the vehicle on unpaved roads;
  - 6. any other event which normally would not necessitate the filing of an accident report.

Events involving second-party vehicles in which no otherwise reportable damage or injury has occurred, shall also be the subject of an incident report. No incident report shall be required for normal wear, tear and maintenance.

- E. Prior to making any determination with respect to whether or not any disciplinary action shall be imposed against the employee involved, Division Commanders shall review the findings of the Committee with respect to causation, all evidence submitted pursuant to the provisions of 52.2 of the BCDSA contract hereof, and further, shall consider all matters submitted in extenuation and mitigation.

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Effective date: May 22, 2012

F. The Department shall assume the cost of any remedial driving training imposed.

Effective date: May 22, 2012

Effective date: May 22, 2012

Effective date: October 25, 2016

**228 DRUG ANALYSIS**

This Department shall maintain a drug free environment through the use of a reasonable employee drug testing programs.

**REFERENCE SOURCES:**

**COLLECTIVE BARGAINING AGREEMENTS**

The terms and conditions of drug testing for sworn deputies below the rank of Captain are contained in the current collective bargaining agreement between the B.C.D.S.A. and the County. This S.O.P. section details the process for random and post-accident testing procedures that will be followed.

**COUNTYBERNALILLO EMPLOYMENT RELATIONS RULES AND REGULATIONS**

The terms and conditions of drug testing for sworn deputies above the rank of Captain are contained in the current CountyBernalillo Controlled Substances Abuse and Alcohol Misuse Standard Policy and Procedure.

**COUNTYBERNALILLO D.O.T. DRUG AND ALCOHOL TESTING POLICY**

The terms and conditions of drug testing for Departmental employees who operate a commercial motor vehicle are contained in the CountyBernalillo Controlled Substances Abuse and Alcohol Misuse Standard Policy and Procedure.

**COUNTYBERNALILLO SAFETY SENSITIVE DRUG AND ALCOHOL TESTING POLICY**

The terms, conditions and procedures for sworn employees in safety sensitive positions are contained in the CountyBernalillo Controlled Substances Abuse and Alcohol Misuse Standard Policy and Procedure.

**RULES AND PROCEDURES:**

**228-1**

In addition to the rules and procedures contained in the aforementioned documents the following rules and procedures shall also be applied:

- A. No employee shall illegally possess any controlled substance per New Mexico and Federal Law.
- B. No employee may ingest any controlled substance unless prescribed by a licensed physician or dentist.
- C. Employees shall notify their immediate supervisor when using prescription medicine which may impair one's mental and/or physical performance. The employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use.

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- D. The employee may be temporarily assigned to other duties during the time he or she is required to take the prescribed medication.
- E. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
- F. Any employee who on-duty, unintentionally ingests, or who is forced to ingest, a controlled substance shall immediately report the incident to his/her immediate supervisor so that the appropriate medical steps may be taken to ensure the employee's health and safety.
- G. Any employee having actual knowledge that another employee is illegally using or possessing any controlled substance shall promptly report the facts and circumstances to their immediate supervisor.
- H. Discipline of employees for violation of this policy shall be in accordance with the terms of the applicable collective bargaining agreement or of the County Bernalillo Personnel Rules and Regulations.

**228-2 "Safety Sensitive" Random Testing**

- A. Personnel will be randomly selected for Drug and/or Alcohol Testing on an unannounced basis. There is no "reasonable suspicion" of impairment implied for this testing.
- B. Personnel assigned vehicles will transport themselves to the collection site. For employees with no vehicle assignment, supervisors will make appropriate arrangements for the employees transport to the collection site within two (2) hours of receiving official notification. The current testing provider is Manzano Medical. The approved location for this testing are:

**Manzano Medical  
505 Elm Blvd.  
Albuquerque, NM 87102**

- B. Testing may occur directly following the duty shift.
- C. Personnel whose duty shift is Watch-I or Watch-III will be tested either immediately prior to their duty shift or immediately following their duty shift.
- E. The hours of operation for the testing location is as follows:

**7:00 AM - 5:00 PM    Monday through Friday**

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### **228-3 Supervisors Responsibilities**

- A. Supervisors will serve the concerned employee with the order to comply with the random testing policy.
- B. One copies—of the order will be given to the supervisor as part of a packet from Human Resources. This will be signed This will be signed by the serving supervisor and employee and returned to Human Resources by the supervisor. The order will specify either mCup10 and/or "Breath Alcohol Testing".
- C. Supervisors will ensure that the employee is safely removed from the duties they are performing.
- D. Supervisors will insure compliance by the employee to report within two (2) hours of the service of the order of appearance to the testing site.

### **228-4 Post Accident Administrative Testing**

- A. Departmental personnel will be required to submit to a post-accident breath and urine test as described in this section, if they are involved in a motor vehicle accident while **operating** a County Vehicle (either fleet or leased).
- B. A motor vehicle accident is defined in S.O.P. section 227.00 of this manual. In addition to that definition(for post-accident testing purposes) it will be defined as all events occurring during the course and scope of their duties which results in any of the following:
  - 1. Loss of a life **OR**
  - 2. **If operating a motor vehicle, AND any individual involved was transported for medical treatment OR**
  - 3. **If operating a motor vehicle, AND a vehicle involved was disabled and removed from the scene by other than its own power.**
- B. Personnel will be required to provide samples for urine and breath testing.
- C. Post-accident testing under this policy does not alter the investigative process should investigating personnel on scene identify impairment of Departmental personnel.
- D. Should impairment of Departmental personnel be identified, a criminal investigation will be immediately initiated and all procedures and guidelines will be followed for the timely and appropriate submission of a criminal case including arrest if applicable, prior to the administrative investigation.



Effective date: October 25, 2016

#### **228-5 Supervisor Responsibilities**

- A. In addition to outlined responsibilities in S.O.P. section 234.00 of this manual, supervisory personnel will be responsible for the proper submission and documentation of post-accident drug testing of your subordinates involved in a motor vehicle accident.
- B. When determination is made that post-accident testing is required, supervisors will give the "Garrity Warning" admonishment to the concerned employee prior to any testing.
- C. The "Garrity" form will be explained in full to the concerned employee, signed by the employee as to their understanding, and signed and witnessed by the supervisor.
- D. The supervisor will then accompany or transport the employee to the collection location for the required sampling. This will be completed within two (2) hours of the incident. If testing cannot or did not occur within the first two hours of the event, follow the directions given in the Controlled Substances Abuse and Alcohol Misuse Standard Policy and Procedure.
- E. During the normal working hours and days of Manzano Medical, the employee will be transported or accompanied to the listed location. The days and times are also listed.

**Manzano Medical  
505 Elm Blvd  
Albuquerque, NM 87102**

**8:00 AM - 5:00 PM Monday through Friday**

- F. Should a post-accident test be required after the listed normal hours the supervisor will call Manzano Medical on-call technician. This number is **(505-280-6852)**.
- G. The Manzano Medical lab technicians will only respond to Manzano Medical 505 Elm during on-call hours.
- H. Upon completion of the post-accident testing the Deputy will be placed on administrative/modified duty pending the test results. Under no circumstance will a deputy drive a County vehicle while awaiting test results.
- I. Should an employee refuse to submit to the post-accident testing after proper notification, the supervisor will immediately contact their Division Commander through the chain of command and advise them of the circumstances which led up to the refusal. The Division Commander will consult with the appropriate Bureau Chief and SHALL place that employee on Administrative Leave with pay and have them report to Sheriff's Headquarters at 0800 hours on the next business day.

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- J. Upon arrival in Headquarters the employee will be served with the appropriate administrative leave paperwork.

**228-6**

**CountySubstances Abuse Coordinator**

- A. In order to expedite the results of the tests, supervisors will contact the C.S.A.C. by telephone to notify him that a test was given due to an accident. If you do not make direct contact with the C.S.A.C. you SHALL leave a message on voice mail or with the A.S.A.C. designee with the pertinent information on the incident, and the employee's name. You may also attempt contact via their cell phones but this does not alleviate the requirement to make the initial contact and leave a voice message.

- B. The C.S.A.C. for the County is Mr. Matthew Marquez and his alternate is Mr. Ralph Chavez. Their contact numbers are:

1. M. Marquez      Office# 468-1526      Cell# 235-0689  
2. R. Chavez      Office# 468-1512

**228-7**

**Injured Employee / Result of accident**

Should an employee be transported to an emergency room due to injuries received due to an accident the following procedures will be followed:

- A. Post-accident alcohol testing should be done within two (2) hours of the accident. If the alcohol test is not administered within two (2) hours following the accident, the County shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test cannot be done within eight(8) hours, then it shall not be done and the County shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If unable to meet specified timelines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the County's Substance and Alcohol Coordinator (CSAS), or CSAC designee.
- B. Post-accident controlled substances testing must be done within thirty-two (32) hours. If a test cannot be completed within thirty-two (32) hours, then it shall not be done and the County shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If unable to meet specified time-lines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the County's Substance and Alcohol Coordinator (CSAC), or CSAC designee. If unable to meet specified timelines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the County's Substance and Alcohol Coordinator (CSAC), or CSAC designee.
- C. Employees must submit to post-accident testing and are

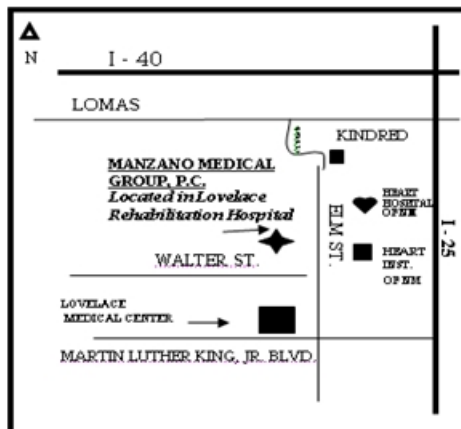
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responsible for ensuring that timelines are met for post-accident testing. If an employee refuses to be tested or does not meet the time requirements identified, he or she will be subject to the consequences of a positive test result which is dismissal. An employee refusing to submit to post-accident testing shall not be permitted to remain at work and shall be placed on administrative leave. If unable to meet specified timelines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the County's Substance and Alcohol Coordinator (CSAC), or CSAC designee.

- D. The results of a breath or blood test for the use of alcohol or urine test use of substances conducted by federal, state, or officials having independent authority for the test shall satisfy the requirements for the post-accident testing, provided such tests conform to applicable federal, state, and local requirements, and the results of the tests are obtained by the County.
- E. An employee who is subject to post-accident testing shall not be permitted to perform any safety-sensitive function until receipt of a verified negative test results for substance abuse and an alcohol concentration of less than 0.02.

Downtown-505 Elm Street NE



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Effective date: October 25, 2016

Effective date: May 22, 2012

**229 COMMUNICABLE DISEASES**

This Department shall maintain a system of standard operating procedures which will lessen or prevent the exposure of its members to infectious or communicable diseases.

**DEFINITIONS:**

**UNIVERSAL PRECAUTIONS**

Precautions to be taken in all similar situations, i.e. wearing a mask, wearing gloves, etc.

**COMMUNICABLE DISEASE**

A communicable disease is any infectious disorder or illness capable of being transmitted to another person by contact with an infected individual, or their body fluids.

**BODY FLUIDS**

Blood, saliva, urine, feces, semen, or other body fluid.

**CONTAMINATION**

When an article of clothing, skin, or eyes becomes soiled or touched by a body fluid.

**RULES AND PROCEDURES:**

**229-1 MANDATORY PRECAUTIONS TO BE TAKEN AT ALL CRIME SCENES:**

- A. No person will be allowed to eat, drink, use tobacco, chew gum or apply makeup while at an incident scene.
- B. All personnel will wear latex gloves and protective face masks. Gloves shall be changed if torn or soiled, and must be removed prior to leaving the scene, even if leaving only temporarily.
- C. While at the scene, personnel should use inexpensive pens or pencils. (Items that may be disposed of prior to leaving the scene.)
- D. After removing gloves, personnel must wash their hands with a sterilized solution of appropriate strength.
- E. Personnel responding to a scene where communicable diseases may be present, will take a heavy duty plastic bag where disposable items may be placed. These items will then be turned over to Criminalistics for proper disposal.

Effective date: May 22, 2012

- F. If any item of a sworn personnel's clothing or shoes becomes contaminated while at a scene, it should be changed as soon as possible. When these arrangements can be made, they should be decontaminated prior to leaving the scene. In no event should a sworn personnel take uniforms, clothing or shoes into their homes before they have been decontaminated.
- G. Sworn personnel should consult their immediate supervisor for the commercial cleaners on contract for uniform cleaning, for contaminated uniforms. County Risk Management may also be **Notified** for this information **only**.

#### **229-2 DECONTAMINATION**

For additional assistance concerning decontamination, sworn personnel should seek advice from Criminalistics personnel.

#### **229-3 CONTAMINATED EVIDENCE**

- A. All evidence collected at a scene, which contains body fluids, or that have been soiled by body fluids, shall be treated as if it has been contaminated. In situations where it is known that the evidence or other collected item is contaminated, the evidence bag shall be appropriately marked to identify what information is known regarding the contamination. All universal precautions apply.
- B. All evidence collected which is wet or damp from contact with blood or other body fluids, must be air-dried prior to being bagged and submitted to the Evidence Section.

#### **229-4 TRANSPORTATION PROCEDURES**

- A. Individuals who have blood or other body fluids exposed on their person shall be transported separately from other individuals.
- B. Deputies who are transporting an individual as described above shall contact their supervisor and inform them of the details of the situation.
- C. If Deputies have a self-admitted carrier of a communicable disease in custody, they shall inform Communications, who shall inform the jail of the same before the prisoner is taken into the jail.
- D. Transportation and extradition Deputies who have knowledge, or reason to believe, that the individual(s) they are taking into custody from a corrections and detention center has a communicable disease, shall refuse to accept the individual until protective measures are provided the Deputies in order to safely transport the individual(s).

Effective date: May 22, 2012

**229-5 REPORTS ON COMMUNICABLE DISEASE**

Department personnel should use every resource available in an attempt to verify whether or not an individual is a carrier of an infectious disease before any information concerning their possible condition is written down. An incorrect assumption regarding their condition (if it were released inappropriately) would create a liability for the Sheriff's Department as it could be construed as a compromise of the individual's right to privacy. DO NOT GUESS, be sure of your information before reducing any information to writing.

**229-6 SUPERVISORS RESPONSIBILITIES**

- A. Supervisors will contact Risk Management as soon as possible to report any incident where an employee may have been exposed to a communicable disease.
- B. A first line injury report will be completed on any incident where exposure may have occurred. The report must be forwarded to Risk Management according to their requirements.
- C. The Department communicable disease contact person will be notified.

**229-7 PREVENTION PRECAUTIONS**

For information on the Blood borne Pathogens and the control of exposure, refer to the Bernalillo County Exposure Control Plan.



Effective date: May 22, 2012

Effective date: May 22, 2012

Effective date: May 06, 2013

## **230 LOSS OF CERTIFICATION PROCESS**

### **POLICIES AND PROCEDURES**

Sworn personnel of the Bernalillo County Sheriff's Department are required to maintain their law enforcement certification to perform the functions of a law enforcement officer. Loss of certification may result in termination because of the employee's inability to perform the job of a law enforcement officer.

#### **230-1 COMPLIANCE WITH LAWS, RULES AND REGULATIONS**

New Mexico Administrative Code Section 10.29.1.11.E requires any agency employing a certified law enforcement officer who has committed any act or acts identified in NMAC 10.29.1.11.C shall report such conduct to the Director of the New Mexico Law Enforcement Academy Board within thirty (30) days of completing an investigation confirming the alleged misconduct.

#### **230-2 RULES AND PROCEDURES**

In cases involving a revocation of certification in excess of 120 days, the employee shall be terminated. An administrative hearing will take place to confirm the loss of certification and allow the employee an opportunity to respond prior to the termination.

In cases where the revocation is for a temporary period of less than 120 days, personnel may be transferred into an administrative capacity while serving a revocation of certification

The following guidelines will be followed when personnel are reassigned into an administrative capacity due to revocation of certification:

- A. Revocations of certifications 120 days or less must be completed within 120 days from the NMLEA Board's final decision.
- B. Personnel serving a revocation of certification will turn in their issued badge, commission card, firearm and assigned County vehicle while serving the entire revocation period as established by the NMLEA Board.
- C. Personnel serving a revocation certification will NOT represent themselves as a law enforcement officer.
- D. Personnel serving a revocation of certification will be responsible to attend all pre-trial, court hearings, or other hearings. Personnel will be required to disclose their revocation status to the judge and attorneys involved in the case.

Effective date: May 06, 2013



Effective date: May 22, 2012

**231 INSPECTIONAL SERVICES**

The Staff Inspections Unit is an organizational component of the Internal Affairs Section. Its purpose is to ensure compliance with established standards of quality and procedure and to provide an objective review of the Department in fulfilling its assigned mission.

**RULES AND PROCECURES:**

- A. The Staff Inspections Unit will conduct external inspections on each of the Department's Divisions on a continuously scheduled basis or upon the direction of the Sheriff.
- B. These inspections provide an objective review of the Department's facilities, property, equipment, personnel, and operational activities as well as compliance with Department and County policies. The sworn personnel of the unit acts with the full authority of the Sheriff to inspect any files, facilities or equipment, as well as interviewing personnel as necessary to accomplish the inspections.
- C. The standards used for the inspection criteria will be from the Department Standard Operating Procedures, Department/Division Orders, Department Special Orders, Training Materials/Guides provided by Federal, State, County or local laws, County Risk Management Safety Policies, and OSHA Standards.
- D. The Staff Inspection Supervisor will notify the Division Commander and send out Employee Questionnaires sixty (60) days prior to the start of the inspection.
  - 1. A pre-inspection meeting will be held with the Division Commander to discuss the focus of the inspection. The Division Commander will also assign a Liaison Officer to work with the Staff Inspections Unit.
  - 2. Upon completion of the inspection, a copy of a draft report will be delivered to the Division Commander.
  - 3. A post-inspection meeting will be held with the Division Commander to discuss the inspection and any discrepancies in the findings.
  - 4. A final inspection report will be completed and distributed to the Sheriff and the Division Commander.
- E. In the event that the inspection report contains adverse findings, the Division Commander will prepare a follow-up report within fourteen (14) days of receiving the final inspection report and forward it through the chain of command to the Sheriff. A copy of this report will also be sent to the Staff Inspections Supervisor.

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1. The Division Commander will conduct a follow-up inspection every six (6) months after completion of the inspection when deficiencies exist.
2. A memo containing the follow-up inspection will be sent to the Sheriff with a copy to the Staff Inspections Unit.

Effective date: May 22, 2012



Effective date: May 22, 2012

Effective date: May 22, 2012

**232 PSYCHOLOGICAL SERVICES**

This Department shall provide psychological services to all employees. Such services shall include, but are not limited to, counseling, psychological testing, consultation, crisis intervention and training.

**RULES AND PROCEDURES:**

**232-1 PSYCHOLOGICAL TESTING**

- A. Psychological testing will be conducted as part of the pre-employment hiring process. In accordance with the Americans with Disabilities Act, candidates will be given a tentative hiring offer, pending the outcome of the evaluation and other post-offer procedures.
- B. Testing will be conducted as the basis for a Department ordered fitness for duty evaluation, during the counseling process if clinically indicated, or for specialty assignments if requested.
- C. Prior to any testing being initiated, a substantial need must be prevalent, and may only be authorized by the Sheriff.

**232-2 CRISIS INTERVENTION/COUNSELING**

- A. Counseling will be provided free of charge to any Department personnel, either individually or when accompanied by a family member. Such counseling will typically be short term. (i.e. six visits or less)
- B. Crisis intervention will be made available under the following conditions:
  - 1. Incidents which may have a significant psychological impact on the participating employee(s).
  - 2. If the psychologist must respond to the incident location, upon arrival will report to the on-scene supervisor and obtain permission to contact the involved parties. Participants will be interviewed and a determination made in regard to administrative leave and subsequent follow-up.
  - 3. Deputies who are the principle participants in the death or great bodily harm of another will be placed on administrative leave with pay for three days. They will be interviewed by the psychologist prior to returning to duty.

**232-3 CONSULTATION AND TRAINING**

- A. Consultation will be made available to any Departmental unit or personnel in the areas of criminal profiling, assignment selection, forensic hypnosis, promotional processes,

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evaluation and any other areas in which the psychologist has expertise.

- B. Training will be provided in both the in-service and pre-service modes on a needed basis. All requests must be approved by the appropriate Division Commander.

**232-4 CONFIDENTIALITY**

- A. Information regarding the names of employees or the nature of their contact with the psychologist will not be disclosed or released without the specific permission of the employee except in those instances when it is required by statute or the American Psychological Association (APA) code of ethics to do so. These currently (MAR. 1995) are:
  - 1. When the involved party presents a clear danger to him/herself or another.
  - 2. In cases involving child abuse or neglect.
- B. In the case of Departmentally-ordered evaluations, the agency is the holder of the privilege. The Deputy or applicant will be so advised at the time of testing via a written consent form.
- C. Written material, to include test data, reports, counseling notes and correspondence, will be kept in accordance with (APA) guidelines.

**232-5 REQUESTED SERVICE PRIORITY**

- A. When competing demands for service arise, the order of priority will be:
  - 1. Crisis intervention with employees.
  - 2. Critical incidents.
  - 3. Counseling appointments.
  - 4. Pre-employment appointments.
  - 5. Training
  - 6. Research
- B. On a needed basis, the Sheriff has discretion in altering the priority list.

Effective date: May 22, 2012

Effective date: May 22, 2012

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## **233 HARASSMENT IN THE WORK PLACE**

All employees have the right to work in an environment free of harassment. Harassment is a prohibited form of discrimination under county, state, and federal laws and is misconduct subject to disciplinary action by this Department. The Department will take immediate action to prevent such behavior and to remedy all reported instances of harassment, sexual or otherwise, as defined in this policy, by promptly investigating any complaints and taking corrective or disciplinary action.

### **DEFINITIONS:**

#### **HARASSMENT**

Harassment includes sexual, racial or ethnic slurs, other verbal, visual, or physical abuse relating to a person's race, color, religion, national origin, ancestry, age, sex, or handicap and includes any other behavior that interferes with a person's work performance or creates an intimidating, hostile, or offensive working environment.

#### **SEXUAL HARASSMENT**

Sexual harassment is any unwanted sexual attention or such attention when submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment; submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or such conduct has the purpose of affecting or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

#### **EQUAL EMPLOYMENT OPPORTUNITY (E.E.O.) COMPLAINT(S)**

### **RULES AND PROCEDURES:**

#### **233-1 PROHIBITED ACTIVITY**

Harassment of any kind by supervisors or employees will not be tolerated.

- A. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person because of their race, color, sex, age, religion, ancestry, national origin, handicap, Association membership or non-membership, or veteran status.
- B. Employees shall not make offensive or derogatory comments based on race, color, sex, age, religion, ancestry, national origin, physical/mental handicap or veteran status.
- C. No employee shall sexually harass any person.

Effective date: May 22, 2012

#### 233-2 EMPLOYEE DUTIES AND RESPONSIBILITIES

Each employee of this Department is responsible for assisting in the prevention of harassment through the following acts:

- A. Refraining from participation or encouraging actions that are or could be perceived as harassment.
- B. Reporting acts of harassment to their supervisor or the **Bernalillo County Human Resources Department.**
- C. Assisting any employee who confides that they are being harassed by encouraging them to report it to a supervisor.

#### 233-3 SUPERVISOR RESPONSIBILITIES

- A. Each supervisor shall be responsible for preventing acts of harassment. These responsibilities include but are not limited to the following:
  - 1. Monitoring the work environment for evidence that harassment may be occurring.
  - 2. Counseling all employees on the types of behavior that is prohibited, and the proper procedures for reporting and resolving complaints.
  - 3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employee is within your direct chain of command.
  - 4. Taking immediate and appropriate action to limit the work contact between two employees where there has been a complaint of harassment.
- B. Each supervisor shall assist any employee who has a complaint of harassment in documenting and filing a complaint with the **Bernalillo County Human Resources Department.**
- C. The supervisor to whom a complaint is given shall meet with the employee and document the incidents, the person(s) doing or participating in the harassment, and the dates on which it occurred.
- D. The **complainant** shall immediately deliver the complaint to the **Bernalillo County Human Resources Department.**
- E. All incidents of harassment shall be brought to the attention of the **Bernalillo County Human Resources Department.**
- F. Failure to take action to stop known harassment shall be grounds for discipline.

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**233-4**

**REPORTING/COMPLAINT PROCEDURES**

- A. Employees encountering harassment should tell the person that their actions are unwelcome and offensive. Employees are encouraged to document all incidents of harassment in order to provide a basis for investigation.
- B. Any employee who believes that they are being harassed should report the incident(s) to his or her supervisor, another supervisor, **or to the Bernalillo County Human Resources Department** as soon as possible.
- C. There shall be no retaliation against any employee for filing a complaint, or assisting, testifying, or participating in the investigation of a complaint.
- D. Complainants or employees accused of harassment may file a grievance in accordance with Department procedures when they disagree with the internal investigation or disposition of a harassment claim.
- E. This policy does not preclude any employee from filing a complaint, grievance, or lawsuit with an appropriate outside agency.

**233-5**

**CONFIDENTIALITY**

The complaint file, including the name of the complainant as well as the names of all those providing statements, shall be kept confidential.



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**234 ACCIDENT/INJURY/PERSONAL EQUIPMENT**

The Department shall investigate all accidents involving Department vehicles, injury to Department personnel, damage to Department property or vehicles, and damage to personal property properly utilized in the performance of duty.

**RULES AND PROCEDURES:**

**234-1 REPORT REQUIREMENTS**

- A. Sheriff's Department vehicles involved in accidents shall be recorded on the State of New Mexico Uniform Accident Report form.
- B. All accidents involving Department vehicles, injury to Department personnel, damage to Department property or vehicles, and damage to personal property utilized properly in the performance of duty will be reported immediately.
- C. All First Report of Injury/Accident reports will be completed and forwarded to appropriate Division Commanders and Administration Section personnel as soon as possible.
- D. Copies of Offense/Incident Reports, or Accident reports, will accompany First Report of Injury/Accident reports that are to be submitted.

**234-2 TRAFFIC UNIT INVESTIGATOR RESPONSIBILITIES AND DUTIES**

- A. A Traffic Unit investigator will be dispatched to all vehicle accidents involving Departmental vehicles, and accidents that are a result of a pursuit.
- B. Traffic Unit Deputies will respond to official requests which involve the listed circumstance whether on-duty or on-call.
- C. Inform the on-scene supervisor of the facts surrounding the accident. Provide any additional information relevant to the investigation that is requested by the on-scene supervisor.

**234-3 VEHICLE DISPOSITION**

- A. Should it become necessary to hold a Departmental vehicle for an extended period of time, all property not permanently affixed to the vehicle will be removed.
- B. Personnel will not remove any County vehicle from the "down line" without permission of vehicle maintenance personnel, and the Director or Assistant Director of the County Maintenance Facility.

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**234-4 DUTIES OF PERSONNEL INVOLVED IN AN ACCIDENT**

- A. Render an appropriate level of aid to the injured.
- B. Secure the scene from additional contamination, and preserve evidence.
- C. Call an on-duty supervisor to the scene of the accident.
- D. Request a traffic unit to be dispatched to investigate the accident.
- E. Submit a supplemental report by the end of the same work shift to the on-duty supervisor for inclusion with the initial report.

**234-5 SUPERVISOR DUTIES AND RESPONSIBILITIES**

- A. The on-duty supervisor will respond to the incident location and oversee the investigation.
- B. The on-scene supervisor will be responsible to make all pertinent notification depending on the seriousness of the incident.
- C. The on-scene supervisor will make notification to the Risk Management section by way of the "Risk Management Hot Line" on all incidents that fall within established guidelines.
- D. The on-scene supervisor will ensure that all appropriate documents involving the incident are forwarded to the appropriate Divisions as soon as feasible.
- E. Wreckers will be used to tow Department vehicles only when necessary and with the permission of a supervisor.

**234-6**

**PERSONAL PROPERTY**

- A. The County shall reimburse the employee who has not been negligent for damage to Department approved personally owned items, based upon current/replacement value, when such items are lost or damaged as a result of duty requirements. This shall include corrective eyeglasses. This does not include weapons used in accordance with section 246 of this manual. The following steps must be implemented.
  - 1. Three (3) bids may be required by the County. The County shall pay the amount of the lowest bid.
  - 2. Submit the claim on a Bernalillo County Sheriff's Department Offense/Incident Report.
  - 3. The claim must be submitted to the employee's supervisor on the date of occurrence, if possible, but not later

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than the employee's next active duty shift.

- B. The claim shall be submitted to the Sheriff's Office. The claim must be accompanied by the damaged equipment, personal property, or receipt.
- C. The request for reimbursement shall be reviewed by the County Finance Department.
- D. This process shall be accomplished within twenty (20) days of occurrence.

Effective date: May 22, 2012

Effective date: May 22, 2012

Effective date: June 3, 2014

**235 LINE-OF-DUTY DEATH OR SERIOUS INJURY**

This department shall provide liaison assistance to the immediate family of any personnel who dies in the line of duty or sustains a serious injury on or off-duty while performing a law enforcement function. This assistance will be provided whether the death was unlawful or accidental (automobile accident, hit by a passing vehicle during a traffic stop, training accident, etc.) The department will provide long-term contact with the family and keep the department informed of family needs.

**RULES AND PROCEDURES:**

**235-1 LINE-OF-DUTY DEATH OR SERIOUS INJURY**

- A. The Sheriff may institute certain parts of this policy for cases of an employee's natural death or during serious injury (according to the family's needs or wishes).
- B. The Captain of the Professional Standards Division will be responsible for coordinating services to the family to include the following:
  - 1) Notifying the family of the deceased or injured employee in a timely, personal manner.
  - 2) Assigning a family liaison from the department for support of the family and their needs.
  - 3) Assisting the family with legal, financial and benefits matters.
  - 4) Providing the family with counseling information and contacts to counseling services if requested.
  - 5) Assisting the family at the hospital, funeral and burial.
  - 6) Provide support for the family at criminal proceedings if applicable.
- C. The Captain of the Professional Standards Division will also provide clarification and comprehensive study of survivor benefits to the family such as:
  - 1) Life insurance policies
  - 2) Community donations
  - 3) State (Department Of Public Safety)



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- 4-) Fraternal Order of Police
- 5-) National Rifle Association
- 6-) Department of Justice (Public Safety Officers' Benefits)
- 7-) Employee leave
- 8-) Public Employees Retirement Association (PERA)

**235-2 COORDINATION OF EVENTS**

- A. Coordination of events following the line-of-duty death or serious injury of any personnel is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the employee's survivors and to the law enforcement community.

Effective date: June 3, 2014

Effective date: June 3, 2014

Effective date: December 6, 2013

**236 UNIFORMS/EQUIPMENT**

The Department shall ensure that all personnel are properly attired. Civilian personnel will meet acceptable standards of dress as established by the Sheriff.

**RULES AND PROCEDURES:**

**236-1 UNIFORM STANDARDS**

Standards for the proper wearing of uniforms will apply to all sworn personnel and uniformed civilian employees of the Department.

**236-2 WEARING OF THE REGULATION UNIFORM**

- A. All sworn personnel and uniformed civilian employees, except as noted, shall wear the regulation uniform.
- B. The Sheriff, Undersheriff, will approve the appropriate attire for Deputies working out of uniform.
- C. All sworn personnel will wear uniforms unless excused by their respective Chief Deputy or Division Commander.
- D. When wearing the uniform, it will be complete. Partial uniforms will not be worn.
- E. All deputies will maintain one Class-A uniform as defined in this manual.

**236-3 SUPERVISOR RESPONSIBILITIES**

Supervisors are responsible for the appearance of personnel under their command and will ensure that:

- A. Uniforms and equipment are neat, clean, and serviceable.
- B. Uniforms and equipment are properly worn and utilized.
- C. Uniforms, insignia, accessories, and equipment conform to published standards.

**236-4 HEADGEAR**

- A. **Class-A** Headgear is optional, except during formal inspections, funerals, parades, or when directed by the Sheriff. Only the Class-A Headgear can be worn indoors for the purposes of a funeral.
- B. **Class-A** Headgear for all personnel will be the Lancaster style with a fixed or detachable cover of tan wool material. The side bands will have a 1/8 inch gold piping below the gold band for sworn personnel above the rank of Sergeant.

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1. Command Staff will wear the 8 point, midway cap with a fixed or detachable cover of black wool material. The side bands will have a 1/8 inch gold piping below the gold band.
- C. The cover grommets will not be removed **from the Class-A headgear**. The hat bill will be black patent leather for sworn personnel below the rank of Captain. Sworn personnel who are the rank of Captain or above shall have hat bills with approved gold insignia.
- D. Personnel shall wear gold-colored chin straps with gold colored buttons on the Lancaster Hat.
- E. The Lancaster-style **and 8 point midway cap** headgear **are** not authorized for wear with the **summer** or Class-B uniform.
- F. During periods of cold weather the fur cap may be authorized. The cap is constructed of expanded vinyl. Double thick quilted lining with super thick Dynel fur. Color will be black with fur to match.
- G. During periods of cold weather, a "beanie" (watch cap, knit cap) style cap may be authorized provided that the cap:
  1. Is solid black in color.
  2. Noticeable non-department logos are not allowed.
  3. Department insignia is optional.
  4. Cannot be worn indoors or in vehicles.
- H. During periods of inclement weather including but not limited to: rain, snow or extended exposure to sunlight, the "boonie" style hat is authorized provided the hat:
  1. Is solid black in color.
  2. Must display department insignia on the front of the hat. A miniature Department shoulder patch, miniature badge or approved specialty unit insignia are acceptable.
  3. The boonie hat is authorized for summer, Class-B and modified Class-A uniforms.
  4. Cannot be worn indoors or in vehicles.
- I. The Baseball style cap is authorized provided that the cap:
  1. Is solid black in color.
  2. Is constructed of a solid type fabric and not of a see-through mesh type material.

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3. Must display department insignia on the front of the cap. A miniature Department shoulder patch, miniature badge or approved specialty unit insignia are acceptable.
4. Is worn similarly to the dress cap, and the brim will not be creased.
5. The baseball style cap is authorized for summer, Class-B, and modified Class-A uniforms.
6. Cannot be worn indoors or in vehicles.

**236-5 CLASS-A UNIFORM**

- A. The Class-A uniform for all personnel is the long sleeve shirt, standard black tie, hat, and white gloves.
- B. Deputies shall wear the Class-A uniform, excluding white gloves, when attending award functions sponsored by outside law enforcement agencies and/or civic organizations.
- C. Deputies on special assignment (e.g., undercover work) may, with the approval of their Division Commander, wear appropriate civilian attire to these award functions.
  1. Appropriate civilian attire for male Deputies is a dress suit or sport coat and dress slacks, a tie, and dress shoes or dress boots.
  2. Appropriate civilian attire for female Deputies is a dress, a dress suit, or a dress skirt or dress pants and blouse, and dress shoes or dress gloves.

**236-6 MODIFIED CLASS-A UNIFORM**

- A. The Modified Class-A uniform for all personnel is the long or short sleeve shirt worn without a tie, hat or white gloves.
- B. Deputies may wear the Modified Class-A uniform for day-to-day duties or as directed by their Division Commander.

**236-7 CLASS-A UNIFORM SHIRTS**

- A. Shirts will be long sleeve or short sleeve.
- B. For Deputies, shirts will be the SilverTan Elbeco "Duty Maxx" uniform shirt, 80% polyester/20% ryon blend. Sworn personnel will wear a black or white crew neck T-shirt when the collar is worn open.
- C. New regulation BCSD patches will be affixed to both shoulders of the shirt. Firearms Instructors, Drill Instructors and members assigned to specialty units may wear their appropriate patch on the right shoulder of the shirt in place

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of the BCSD patch.

- D. Personnel assigned to wear the uniform may wear an optional black turtleneck or mock turtleneck shirt under the long sleeve uniform only. This turtleneck shirt will be fine knit (not sweater knit) and will have no visible lettering or logos. The neck will only extend as high as the uniform collar.
- E. Sleeves of the long sleeve shirt are not to be worn rolled up at any time and will remain buttoned while on duty.
- F. Chest/neck hair shall be trimmed so that it is not visible.
- G. No gold buttons will be worn on the Class-A uniform shirt, except by those Deputies who are actively serving in an Honor Guard function.
- H. The only authorized item that may be worn on any uniform shirt epaulets is the issued handheld lapel microphone and gold in color metal whistles. Pagers, keys, and cellular telephones are not authorized for wear on shirt epaulets.

**236-8 CLASS-A UNIFORM TROUSERS**

- A. Trousers will be the Forest Green Elbeco "Prestige" Trouser, 55% polyester/45% wool blend. The trouser will be worn straight leg, without cuffs. There will be no stripe on trouser legs for sworn personnel under the rank of Sergeant.
- B. A black command stripe is mandatory for all Class-A trousers for sworn personnel the rank of Sergeant and above.

**236-9 CLASS-A UNIFORM TIE**

- A. Ties are required for uniformed personnel while standing for formal inspections, while in attendance at funerals, parades, and other formal occasions, or when directed by the individual's Division Commander or higher authority.
- B. The tie will be black four-in-hand type with the breakaway (clip-on) feature.

**236-10 CLASS-A FOOTWEAR**

- A. Footwear will be black, smooth, highly-shined leather without ornamentation.
- B. Sworn personnel and Community Service aides may wear a low quarter show, round toe; or patrol boots. Patrol boots shall be round or semi-round toe and shall not exceed 12 inches in height. Sharp or pointed toe boots or boots with riding heels are not authorized. Trouser legs will be worn outside of the boot. Black socks will be worn when not wearing boots.

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- C. Black military style boots without steel toes or other ornamentation are authorized.
- D. Athletic Footwear - sneakers, either canvas or leather Type or any type of athletic shoe is not authorized for wear with the uniform.
- E. Foul weather boots are authorized provided that they are:
  - 1. Black in color.
  - 2. Only worn during periods of inclement weather and/or ground conditions are extremely poor due to weather.

**236-11 SWEATERS (MODIFIED CLASS-A UNIFORM ONLY)**

- A. Sweaters are authorized provided they are black in color and are the military wool V-neck or Commando style. Sweaters of similar design in fine knit are authorized.
- B. Sworn personnel electing to utilize the sweater will wear a regulation Class-A uniform.
- C. Sweaters will either be tucked in to the trousers or will be neatly folded under so that the bottom sweater edge rides on the inside of all duty accessories and does not obstruct immediate access to all equipment.
- D. New, regulation BCSD patches will be affixed to both shoulders of the sweater. Specialty patches may be worn as appropriate on the right shoulder of the sweater. Chevrons will be affixed to the sweater in the same manner as the Class-A uniform Shirt. Rank insignia for Lieutenants and above will be displayed in brass/gold plated on the sweater's epaulets.
- E. A badge and nametag will be worn with the sweater. The replica cloth badge and a black embroidered nametag with 1/2" gold lettering and matching gold thread border will be sewn onto the sweater. The issued (metal) badge and metallic nameplate are not authorized for wear on the sweater.

**236-12 CLASS-B UNIFORM**

- A. All sworn personnel may wear the following Class-B uniform while performing regular duty or as directed by their Division Commander. The Class-B uniform is optional and is not required for purchase by any department employee.
- B. Class-A shirts and Class-B shirts are authorized for wear with the Class-B trousers, either of these combinations will be considered a Class-B uniform.
  - 1. Class-A shirts and Class-B shirts will be complete. Mixing of metal and cloth insignia on the front of the shirt will



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not be allowed.

#### **236-13 CLASS-B UNIFORM SHIRT**

- A. The Class-B uniform will be the SilverTan Elbeco "Duty Maxx" Uniform shirt, 80% polyester/20% rayon blend.
- B. New, regulation BCSD patches will be affixed to both shoulders of the shirt. Firearms Instructors, Drill Instructors and members assigned to specialty units may wear their appropriate patch on the right shoulder of the shirt in place of the BCSD patch.
- C. A cloth badge will be affixed with matching thread to the left breast of the uniform shirt centered between the edges of the pocket flap and ½" above the seam of the pocket.
- D. A cloth nametag will be worn above the right pocket, flush with the top edge and centered between the pocket edges. This nametag will be black in color, 1" in height and have gold block capital letters, which will reflect the first initial and last name of the wearer. The entire nametag will be bordered in matching gold thread. The length of the nametag will vary with the length of the wearers' name but will not extend beyond the edges of the pockets.
- E. Sergeants and FTO's wearing this uniform will utilize regulation sleeve chevrons and will affix them in the same manner as the Class-A uniform.
- F. Sworn personnel who utilize collar brass (lieutenants and above) may have appropriate rank embroidered in gold thread onto the collar of the Class-B uniform.
- G. Short sleeve and long sleeve are authorized as Class-B uniform shirts. Sleeves of the long sleeve shirt are not to be work rolled up at any time and will remain buttoned while on duty.
- H. Reflective metal objects, specialty unit pins (e.g. traffic/K-9 pins) or other ornamentation of any kind WILL NOT be affixed to the Class-B uniform at any time. Pens carried in the breast pocket will be constructed of plain black plastic or metal or will be hidden from view when not in use.

#### **236-14 CLASS-B UNIFORM TROUSERS**

- A. The Class-B uniform trousers will be the Forest Green, Elbeco "Response Tek2" BDU Style trouser, in 65% polyester/35% cotton blend.
- B. Trousers will not be bloused or otherwise tucked or folded at the cuff. The trousers will be worn straight leg.
- C. Command stripes are not authorized on the Class-B trouser

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- D. Cargo (side pockets and rear pockets will remain buttoned at all times. Bulky or large items will not be carried in the cargo pockets and every effort should be made to insure that the cargo pockets are pressed flat and not "blown out" while working.

**236-15 CLASS-B UNIFORM FOOTWEAR**

- A. Shoes of any kind are not authorized with the Class-B uniform.
- B. Footwear will be black, smooth, highly shined leather boots without ornamentation. Such styles include quarter boots, patrol boots and black military style boots without steel toes. Western-style (cowboy) boots, boots with riding heels or slip-on boots without laces are not authorized with the Class-B uniform.

**236-16 CLASS-B UNIFORM DUTY EQUIPMENT**

- A. The currently issued basket weave duty belt, under belt and accessories are authorized for wear with the Class-B uniform.
- B. In lieu of the basket weave duty belt and accessories, sworn personnel may, at their own expense, wear high quality, nylon duty gear subject to the following guidelines:
  - 1. Nylon duty belts will be secured on the waist by means of a positive-locking buckle mechanism. Belts secured only using Velcro are not authorized.
  - 2. Duty gear will be uniform in appearance and construction (holster excepted). Mixing basket weave and nylon accessories is not authorized.
  - 3. All accessories will be sturdy, pre-formed, high-quality items. Such examples are Bianchi Accumold and Safariland Nylok and Nylok Pro products.
  - 4. The duty holster utilized with a nylon belt will be constructed of high quality nylon, nylon laminate or Kydex. The holster will be manufactured specifically for the type and size of weapon being carried. Safariland Laminate holsters in plain finish satisfy this requirement.

**236-17 SUMMER DUTY UNIFORM**

- A. Personnel are authorized to wear a polo duty shirt in lieu of the Class-A or Class B shirts during summer months, provided:
  - 1. Only the Vertx SilverTan, 100% Polyester polo is authorized. Short sleeve and long sleeve are acceptable.

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2. New, regulation BCSD patches will be affixed to both shoulders of the shirt. Field Training Officers, Firearms Instructors and members assigned to specialty units may wear their appropriate patch on the right shoulder of the shirt in place of the BCSD patch.
  3. Summer months are from March 15<sup>th</sup> through October 30<sup>th</sup>.
  4. The authorized gold embroidered badge with gold embroidered words "Bernalillo County" in a semi-circle above the badge and "Sheriff's Department" in a semi-circle below the badge will be worn over the left breast area of the shirt.
  5. The first initial and last name will be embroidered over the right breast area of the shirt. The lettering will be the same font and size of the lettering around the embroidered badge.
  6. All embroidered wording will be 3/8".
  7. Sergeants, Lieutenants and Captains will wear appropriate rank insignia centered below the bottom center button of the polo. The insignia will be the small metal rank pins, gold in color.
- B. Personnel are authorized to wear shorts in lieu of the Class B pants during summer months, provided:
1. Only the 5.11 TacLite Pro Short in TDU Green is authorized for wear.
  2. The Summer Duty Polo shirt is the only shirt authorized to wear with the shorts.
  3. Footwear shall be all black in color. The shoe shall be an athletic style shoe. The cut of the shoe shall not go any higher than the base of the ankle joint.
    - a. Socks shall be all black in color and shall not exceed 1/2" height above the shoe cut.
  4. Approved duty leather gear or nylon gear may be worn with shorts.
  5. Shorts will only be authorized during summer months (March 15<sup>th</sup> through October 30<sup>th</sup>).

236-18

**BLACK POLO SHIRTS**

- A. Black Polo shirts will be authorized for sworn personnel assigned to JOD, CID, and PSD. If personnel from JOD, CID, or PSD work FSD overtime or specials, they will conform to uniform required for that event. The black polo will also be authorized for personnel attending training unless otherwise

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specified. Black polo shirts must:

1. Be of high quality and not faded.
2. The authorized gold embroidered badge with the gold embroidered words "Bernalillo County" in a semi-circle above the badge and "Sheriff's Department" in a semi-circle below the badge will be worn over the left breast area of the shirt. All embroidered wording will be 3/8" in height.

**236-19**

**JACKETS (ALL UNIFORMS)**

- A. Jackets will be black in color (unless specified otherwise in this section) and will be:
  1. Spiewak Weather Tech Short Duty Jacket #1770
  2. Weather Tech Duty Jacket #1775
  3. 5.11 Tactical Series parka with/fleece liner model #48017
  4. Gerber Duty Jacket #30G or 30GX
  5. Flying Cross Light Duty Jacket #54101
  6. Condor Summit Jacket Model 602
- B. A cloth replica of the issued badge will be worn on the black uniform jacket.
- C. Shoulder patches and chevrons will be affixed to the jacket in the same manner as the Class-A uniform Shirt. Rank insignia for Lieutenants and above will be displayed in brass/gold plated on the jacket's epaulets. Name plates will not be required on the uniform jacket. Buttons will be black and non-reflective. The fleece inner liner on the 5.11 may be worn separately, but must meet the same conditions for the patches and insignia as the Class-A uniform shirt. The Fleece detachable sleeves WILL NOT be removed.
- D. The VizGuard #SP1S578V-062 Jacket/Yellow with fleece liner will be authorized for Traffic and D.W.I. Unit personnel when deployed on sobriety check points or when responding to an accident investigation as per Departmental Policy. Shoulder patches, chevrons, and rank insignia for command personnel will be affixed to the jacket in the same manner as on the Class-A uniform shirt. In addition, three (3) inch reflective letters "SHERIFF" will be sewn on the rear panel of this jacket.
- E. Plain cloths personnel assigned to the Criminal Investigations Division, shall be issued specially marked "raid jackets". Raid Jackets will be worn:
  1. During search warrant executions.
  2. During the execution of an arrest warrant involving a probability of resistance.

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3. Whenever directed by a supervisor.

**236-20**

**GLOVES**

- A. Gloves will not be worn by personnel wearing a short sleeved shirt.
- B. Gloves will be black leather, lined or unlined.
- C. Deputies may be required to wear white cotton gloves on special occasions (e.g., funerals, parades, etc).

**236-21**

**RAIN GEAR**

- A. Rain gear will be bright yellow, international orange or clear.
- B. Raincoat will be knee length, rain jacket will be hip length, and rain pants will be full length.

**236-22**

**NAME TAGS AND TIE BAR/TACK**

- A. A 2 ¼ by 3/8 inch gold-covered name plate will be worn on the Class-A uniform shirt by all personnel. The first and middle initial and last name will be inscribed in 1/4 inch black letters, filled with black enamel. The name plate will be gold in color. All other types of lettering are considered unauthorized.
- B. The name plate will be positioned on the right breast pocket flap of the uniform shirt. It is to be centered and the top of the name plate is to be flush with the lower stitching of the upper seam of the flap.
- C. An optional slip-on pin acknowledging years of current service to the Department may be attached to the name tag. The service pin will have inscribed in black enamel, the wording "SERVING SINCE." The year for date of hire will be inscribed in the blank space.
- D. A tie bar or tack of conservative taste may be worn provided that it is gold colored. No name brands or advertisement will be allowed.

**236-23**

**DEPARTMENT BADGE AND PATCH**

- A. Sworn personnel shall wear their designated official Department badge when in uniform. Specialty badges (i.e. CID Detective Badge) are not authorized for duty uniforms. Community Service Aides will wear the CSA patch in place of a badge.
- B. The official Department Patch will be worn on both sleeves of all uniform shirts, jackets and sweaters. Firearms Instructors, Drill Instructors and members assigned to specialty units may wear their appropriate patch on the right

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shoulder of the shirt in place of the BCSD patch.

- C. The Department or specialty patch will be centered on the sleeve and the top border of the patch will meet with the seam of the shirt/jacket sleeve at the shoulder.
- D. A black and gold cloth replica of the Department issued badge will be worn on all jackets, sweaters, and Class-B uniforms. An embroidered replica of the Department issued badge will be worn on the summer uniform.
- E. Personnel assigned to plain clothes duties will carry the approved badge in a case or other device which will enable them to wear the badge in plain view when appropriate or directed to do so by a supervisor. Personnel are allowed to carry issued specialty badges (i.e. CID Detective Badge) only in this manner and only when they are serving in that capacity.

**236-24**

**OPTIONAL INSIGNIA**

- A. Optional patches, firearms Badges, Universal Traffic Insignia, Special Weapons and Tactics pin and Air Support pilot wings are authorized to be worn as follows:
  - 1. Sworn personnel of the Traffic Unit will be allowed to wear the universal traffic insignia, gold in color, one and one-half inches in width by one-half inch in height. The pin will be worn centered above the right breast pocket flap with the bottom of the wheel touching the top stitching of the pocket flap.
  - 2. Sworn personnel of the Special Weapons and Tactics Team will be allowed to wear the authorized tactical team pin, which is gold and silver in color and approximately one-half inch in diameter. The pin will be worn centered above the right breast pocket flap with the bottom of the pin touching the top stitching of the pocket flap.
  - 3. An approved expert firearms qualification metal ribbon may be worn on class-A, and Modified Class-A shirts immediately below the name tag.
  - 4. Sworn personnel of the Metropolitan Air Support Unit will be allowed to wear the authorized pilot wings, gold in color, one to one and one-half inches in width by one-half inch in height. The pin will be centered above the right breast pocket flap with the bottom of the pin touching the top stitching of the pocket flap.
  - 5. An approved metal ribbon designating successful completion from the FBI National Academy or the Northwestern Command School may be worn on class-A, and Modified Class-A shirts immediately above the upper seam of the right breast pocket.

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- B. Deputies may not wear service bars, metal ribbons, specialty shoulder patches or specialty pins for which they are not entitled or qualified.
  - C. Flight wings, American Red Cross patches, specialty badges, and patches are not authorized for any uniform, except as noted in the manual.
  - D. Sworn personnel of the Honor Guard Unit will only wear appropriate insignia and uniform for that unit while engaged in functions so designated by the Sheriff.
  - E. Service bars may be worn on the left sleeve of the Class-A uniform shirt beginning  $\frac{1}{2}$  inch above the cuff. Service bars will only be worn denoting two year increments of service (e.g., one bar = two years, five bars = ten years, etc.).
3. Service bars indicate service as a sworn Deputy with the Bernalillo County sheriff's Department.
4. Service bars will have a black background, black thread border and gold bars.

236-25

**CHEVRONS**

- A. FTO chevrons will have a black background, black thread border with one gold stripe and one gold rocker. They will be worn on both sleeves of the uniform shirt and jacket, centered  $\frac{1}{2}$  inch below the department patch. The chevrons will point upwards towards the top of the sleeve.
- B. Sergeant chevrons will have a black background, black thread boarder with three gold stripes, and will be worn on both sleeves of the uniform shirt and jacket, centered  $\frac{1}{2}$  inch below the department patch. The chevrons will point upwards towards the top of the sleeve.
- C. Senior Sergeant chevrons will have a black background, black thread boarder with three gold stripes and one gold rocker. They will be worn on both sleeves of the uniform shirt and jacket, centered  $\frac{1}{2}$  inch below the department patch. The chevrons will point upwards towards the top of the sleeve.

236-26

**SHIRT INSIGNIA FOR COMMAND PERSONNEL**

- A. The shirt and jacket insignia for Lieutenants will be a single gold bar. The shirt insignia will be  $\frac{3}{4}$  inch by  $\frac{1}{4}$  inch, centered  $\frac{1}{2}$  inch from the outer edge of the collar tab, and will be parallel to the collar edge. The jacket insignia will be one inch by  $\frac{3}{8}$  inch, and will be centered on the cross-stitched portion of each epaulet with bars parallel to the

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shoulder seam.

- B. Shirt insignia for Captains will be a double gold bar, each bar  $\frac{3}{4}$  inch by  $\frac{1}{4}$  inch, centered  $\frac{1}{2}$  inch from the outer edge of the collar tab, and will lie parallel to the collar edge. The insignia for all jackets will be a double gold bar, each bar shall be one inch by  $\frac{3}{8}$  inch, and will be centered on the cross-stitched portion of each epaulet with bars parallel to the shoulder seam.
- C. Shirt insignia for Chief Deputies will be three gold stars,  $\frac{3}{8}$  inch by  $1 \frac{1}{8}$  inch, centered so as to form a triangle with the point of the collar. The insignia for all jackets shall be three gold stars,  $\frac{5}{8}$  inch by  $1 \frac{7}{8}$  inch, centered on the top of the shoulder.
- D. Shirt insignia for the Undersheriff will be four gold stars  $\frac{3}{8}$  inch by  $1 \frac{3}{8}$  inch, centered so as to form a triangle with the point of the collar. The insignia for all jackets shall be four gold stars,  $\frac{5}{8}$  inch by  $1 \frac{7}{8}$  inch, centered on the top of each shoulder.
- E. Shirt insignia for the sheriff will be five gold stars, in a circular cluster, which is  $\frac{3}{4}$  inch in diameter, centered on the leading edge  $\frac{1}{2}$  inch from the outer edge of the collar tab. The insignia for all jackets shall be five gold stars, in a circular cluster, that is one inch in diameter, centered on the top of each shoulder.

236-27

**LEATHER GEAR**

- A. Leather gear for all uniformed sworn personnel will be black basket weave design and consist of the following:
  - 1. Equipment belt - two inches wide
    - a. Department issued leather equipment belt with gold plated or brass buckle.
    - b. Department issued Velcro equipment belt.
- B. Holster will be a security type with covered trigger guard and thumb break snap such as the issued style. Holsters for the Department issued Glock model 22 will be of Department issue unless a different style has been authorized by the Sheriff.
- C. Handcuff case will be for the issued handcuffs. The cover of the case may be secured with either a concealed snap or Velcro fasteners. Open-top cases or handcuff straps may be worn provided they securely hold the handcuffs during vigorous activity.
- D. Ammunition carriers will be of Department issue and will be



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the open-top type.

- E. Expandable baton holder will be the Department issue and will be break away type. The expandable baton will be Department issued.
- F. Mace holder will be Department issue and appropriate for the mace container.
- G. Belt keepers will be one inch width with concealed snaps, Velcro fasteners, or highly polished brass snaps. A single four inch wide keeper may be worn at the back of the belt.
- H. Tape recorder holders will be Department issued.
- I. Flashlight holders for the surefire issued light will be Department issue.
- J. Shoulder straps are not authorized for any uniform.
- K. All exposed metal attached to leather gear will be gold colored or brass. All exposed metal will be highly polished.

**236-28**

**LEATHER GEAR FOR ADMINISTRATIVE ASSIGNMENTS**

Uniformed personnel who are normally assigned to administrative or office duties may make the following modifications for the wearing of leather gear:

- A. Eliminating the equipment belt, substituting a black leather basket weave or plain trouser belt with brass snaps, **buckle** or Velcro closure.
- B. Wearing a high-ride or off-duty type holster, and ammunition carriers. Basket weave and plain leather may not be mixed.

**236-29**

**TRAFFIC CONTROL EQUIPMENT**

Traffic control equipment to be used will consist of the following:

- A. A safety vest made of either cloth or plastic will be worn whenever directing traffic and/or investigating a traffic accident. Department issued vests will be international orange in color. Personnel may purchase their own traffic vests as long as:
  - 1. The word "Sheriff" is clearly visible to the public.
  - 2. The vest is made of high-visibility material in orange, yellow, or green.

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- B. A flashlight with orange or red cone attachment may be used, and is recommended for use during hours of darkness.
- C. Road flares or similar devices will not be hand held for traffic control purposes.

**236-30**

**PROTECTIVE BODY ARMOR**

- A. All sworn personnel are required to be fitted for, and to be issued a protective vest.
- B. Personnel are required to wear the protective vest at all times when on-duty, or otherwise working, in uniform.
  - 1. Exceptions to this requirement must be approved by the Sheriff and will be reviewed on a case-by-case basis.
- C. All personnel assigned to participate in high risk situations (i.e., search warrant executions, service of arrest warrant on a probable violent offender, etc.) will wear the protective vest during these types of operations.

**236-31**

**EYE WEAR**

- A. All eye wear worn while on-duty will be in good taste, and conform to Departmental and community Standards
- B. Mirrored sunglasses will not be permitted.
- C. Eye wear frames that are considered questionable by supervisory personnel will be considered unacceptable and will not be worn. Personnel should consult their Division Commander through the chain of command, prior to purchasing eye wear frames that could be considered questionable.

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**237 GROOMING AND DRESS STANDARDS**

All active duty personnel shall meet appropriate grooming and dress standards as prescribed by the Sheriff. All employees, while on active duty, unless otherwise directed by their commanding officer, shall be well groomed, clean, and appropriately dressed for their individual assignment. Clothes and shoes shall be clean and properly cared for. Attire shall conform to Department rules and regulations.

**RULES AND PROCEDURES:**

**237-1 MALE PERSONNEL (SWORN)**

- A. Hair on the side may extend to the ears but will not protrude more than a 1/2 inch over the ears. Hair at the nape of the neck may be rounded or blocked but it shall not touch or extend beyond the top of the collar when the head is held in the position of attention. Hair in front will not fall below the eyebrows. The bulk or length of hair shall be groomed so that it does not bush out or curl up while wearing the standard uniform helmet or hat.
- B. Sideburns shall not extend in length below the bottom of the ear. They shall be neatly trimmed, not bushed or flared. Sideburns shall be cut level when the head is held in the position of attention. The width of the sideburns shall not be more than 1 1/4 inch.
- C. Mustaches will be neatly trimmed and shall not extend in length below the top border of the upper lip nor extend more than 1/4 inch upward, downward, or to the side from the corner of the mouth.
- D. Beards are not allowed for any Deputy wearing a uniform, except when required for uniform inspections while assigned to a plainclothes assignment. Deputies assigned to plainclothes assignments may wear beards provided that they are neatly trimmed, not bushed out, and are no longer than 1/2 inch.
- E. Exotic haircuts, including but not limited to; mohawk, punk rock, spiked, are not conducive to the professional image that must be projected by all personnel. Such hairstyles are prohibited for all personnel.
- F. No tattoo shall be exposed past the material of the uniform while on duty.

**237-2 FEMALE PERSONNEL (SWORN)**

- A. When in uniform, females (Sworn, C.S.A.s) shall wear their hair in compliance with the following:
  - 1. In no case will the length of hair touch or extend

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beyond the collar when the head is held in the position of attention.

2. Hair may not extend 4" below the collar per Section 43.6 of BCSDA contract. Hair may be cut short to conform to this guideline.
  3. Longer hair may be secured and styled so it will not extend beyond the length mentioned (i.e., bun, looped braid, etc.).
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- B. The sides of the hair will be styled close to the face in such a way as to prevent it from being blown into the face. This may be achieved by a short feathered back cut or securing the hair tightly in the back or with conservative barrettes/clips on the sides.
  - C. Pigtails, double braids, and bouffant styles will not be permitted.
  - D. The hair shall not be styled so that it hangs below the eyebrows.
  - E. The hair will be neat and clean.
  - F. The hairstyle shall be conducive to the wearing of the uniform hat and shall reflect favorably on the Department.
  - G. Exotic haircuts, including but not limited to; mohawks, punk rock, spiked, are not conducive to the professional image that must be projected by all personnel. Such hairstyles are prohibited for all personnel.
  - H. No tattoo shall be exposed past the material of the uniform while on duty.

**WIGS AND HAIR PIECES**

**237-3**

Wigs and hairpieces are permitted, but they must conform with the above and with natural hair standards.

**PERSONAL JEWELRY AND ORNAMENTATION**

**237-4**

- A. Sworn male employees may wear jewelry only if it is in good taste. Generally, this is limited to wrist watches, wedding bands, or other conservative type rings. Specifically prohibited are earrings or other items of jewelry that detract from the Department's image or constitute a potential safety hazard. Neck jewelry or ornamentation shall not be visible.
- B. Sworn female employees may wear jewelry only if it is in good taste. Generally, this is limited to wrist watches, wedding rings, or other tasteful rings. Uniformed female personnel may not wear earrings. Neck jewelry or

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ornamentation shall not be visible.

- C. Sworn female personnel wearing civilian clothes may wear conservative styled necklaces and chains. Only one necklace or chain may be worn at any one time. No earrings will be authorized.
- D. All body piercing that is visible to the general public is strictly prohibited. (i.e. tongue, facial, etc.)

**NON-UNIFORM ASSIGNMENT**

**237-5**

- A. All employees that are not required by assignment to wear the uniform shall dress appropriately.
- B. When in a county vehicle or performing a law enforcement function, out of uniform, personnel shall be appropriately attired. Tank tops, cut-off or gym shorts, and all clothing in poor condition will not be authorized.

**CIVILIAN SUPPORT STAFF**

**237-6**

- A. All civilian personnel shall be expected to dress in an appropriate business casual manner. For men, this includes belted pants and long or short sleeves, collared dress knit or sport shirt. For women, this includes skirts, slacks and blouses or sweaters. Khakis or Dockers type pants are appropriate for both men and women.
- B. Civilian support staff assigned to Headquarters shall be expected to dress in professional attire. For men and women this includes dress pants or slacks, blazers and suit jackets are optional.
- C. All personnel shall be well groomed and wear clothing that is both clean and in good condition. Prohibited items include but are not limited to the following:
  - 1. Any tight, low cut, or sheer clothing or any attire that exposes skin between the top and bottom layer of clothing.
  - 2. Denim jeans that are faded, distressed, ripped and with visible holes
  - 3. Stretch pants or sweatpants
  - 4. Sweatshirts or hoodies
  - 5. Tshirt with logos
  - 6. Tank or tube tops, halter tops, tops with spaghetti straps, or strapless tops or dresses
  - 7. Skirt/dress length and/or tops of slits cannot be

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shorter than half way between the top of the knee and mid-length

8. Flip flops sandals or shoes with individualized toes (barefoot shoes)
  9. Athletic shoes (exception will be made for special assignments and or special circumstances with approval from supervisor)
- D. All civilian employees will keep their hair neat and maintain good personal hygiene; no unnatural hair colors or exotic hairstyles are permitted.
  - E. Jewelry worn will be in good taste and not constitute a potential safety hazard. Piercing of eyebrows, nose, lips, tongue, and other body parts are not appropriate.
  - F. Denim jeans are acceptable on Friday, as long as they are not faded, distressed or ripped with visible holes.
  - G. Shoes must be clean and in good condition and appropriate for the workplace.
  - H. All supervisors are responsible for enforcing the standards set forth by the Department.



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**238 USE OF INTERNET SOCIAL MEDIA AND NETWORKING**

**PURPOSE:**

The purpose of this policy is to establish procedures and guidelines with respect to the use of personal web pages, internet postings, tweets, and social networking or other media sites by departmental personnel.

**POLICY**

The proper functioning of any law enforcement agency relies upon the public's confidence and trust in the individual Deputies and the agency to effectively protect and serve the public. Any matter which brings the department or its personnel or the department into disrepute has the corresponding effect of reducing public confidence and trust in our department, therefore impeding the ability to work with and serve the public. Professionalism is the most significant factor in providing the highest level of service to the public, which in turn builds the public confidence and trust. While employees have the right to use personal/social networking web pages, tweets, sites and/or blogs, as members of the Bernalillo County Sheriff's Department, they are public servants who are held to a higher standard than the general public concerning general conduct and ethical standards. It is therefore the policy of the Bernalillo County Sheriff's Department to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the mission of our organization.

**DEFINITIONS**

For the purposes of this policy the following definitions shall apply:

- A. **Social networking or media site** means an internet site specifically focused on the building and verifying of social networks with the ability to create groups that share common interests or affiliations, upload files including pictures, music or videos, hold discussions in forums and/or host Weblogs (Blogs) for members of the site and includes internet dating services.
- B. **Weblog (blog)** means a web-based publications where users post informal journals on their thoughts, comments and philosophies based on the views of its creator. Weblogs are generally referred to blogs.
- C. **Tweets** are defined as brief text messaging, usually one-hundred forty (140) characters or less, posted on a social media site.

**238-1 PROCEDURES**

- A. Employees who have personal web pages, memberships with social networking web sites or other types of internet postings, which

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can be accessed by the public, shall not identify themselves directly or indirectly as an employee of the Bernalillo County Sheriff's Department.

- B. Photographs or other depictions of department uniforms, badges, patches, marked patrol cars, or any other items or materials which is identifiable to the department shall not be used on personal employee internet postings.
- C. Employees shall not authorize any other party to use photographs or other depictions uniforms, badges, patches, marked patrol cars, or any other item or materials which is identifiable to the department without written permission from the Sheriff.
- D. Members are encouraged to seek the guidance of supervisors regarding any posting that may adversely reflect upon either the department or upon the professionalism or integrity of its member(s).
- E. Exemptions to these provisions may be granted at the discretion of the Sheriff, based on specific application and after careful consideration of the time, place, manner, forum, and type of intended electronic communication, via the employee's chain of command.

**238-2 RESTRICTIONS**

- A. Employees are prohibited from posting, or in any other way broadcasting, or disseminating information on the internet, social networking sites, tweets, or other medium of communication, the business of this department including, but not limited to, the following:
  - 1. Photographs/Images related to any investigation of this department;
  - 2. Video or audio files related to any investigation of this department; or
  - 3. Any other information related to any investigation of this department.
- B. Employees who have these sites shall not reference the Bernalillo County Sheriff's Department specifically as their place of employment or discuss/divulge department business or their website or via in other medium of communications as addressed in this policy.
- C. Employees are prohibited from posting, broadcasting or otherwise disseminating any sexual, violent, racial, ethnically derogatory materials or any other type of materials that is designed to intimidate, humiliate, denigrate, offend, insult, antagonize or provoke any other person, whether such material is in written comments, pictures, artwork, video or other references on their

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websites or through any other medium of communication. Determination of whether this provision has been violated shall be based on community standards including due considerations of the context of the website itself.

- D. Employees shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the department.
- E. Employees are prohibited from accessing these types of websites while on duty, unless the employee is conducting a criminal or administrative investigation that has been approved by a division commander or higher authority.
- F. Employees are prohibited from using department equipment and resources to access these types of websites while on duty or off-duty, unless the employee is conducting a criminal or administrative investigation that has been approved by a division commander or higher authority.
- G. Employees undertaking covert operations shall not post any personal identifying information to the internet that may identify them or anyone connected to them as police officers. Posting such information may jeopardize their safety, the safety of their family, co-workers and/or any investigations.
- H. All employees shall report any undesired posting of personal identifying information about themselves by another person to their immediate supervisor. The immediate supervisor shall then notify the division commander so that Headquarters may be appropriately notified.
- I. Employees that are issued laptops with wireless cards are prohibited from using this equipment to access social networking sites, blog and/or instant messaging. Improper privacy settings can allow others to view information that is sent. Use of the wireless network without proper privacy settings increases the risk of hackers and viruses to access the system.
- J. Text messaging, emailing, posting blogs or tweets, as well as interacting on any social networking site, regardless whether the hardware is owned personally or by the department, while operating department- owned fleet vehicles is strictly prohibited, whether the employee is on or off duty.

**238-3 SAFETY IMPLICATIONS ASSOCIATED TO INTERNET USE**

Employees should consider the possible adverse consequences of internet postings, such as future employment, cross examinations in criminal cases and public as well as private embarrassment.

- A. Employees are reminded that information posted on social networking internet sites is not private.
- B. Posted information may be viewed by any member of the public including members of criminal organizations and

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legal entities.

- C. Care must be exercised by any employees who choose to post personal information on the internet. Once it is posted, it should be considered accessible by anyone, indefinitely.
- D. If any employee chooses to post personal information on the internet, they should be aware that such information may result in the fraudulent and/or misuse of that information. Caution must be exercised when disclosing:
  - 1. Photograph (s);
  - 2. Name (s);
  - 3. Date of birth;
  - 4. Hometown;
  - 5. Occupation;
  - 6. Position;
  - 7. Location;
  - 8. Information about family members; and
  - 9. Any personal identifying information.
- E. Employees must be aware they may be jeopardizing other members' personal confidentiality and safety by posting photographs and personal details about other members.
- F. Employees who permit their personal identifying information to be posted to a social networking site must be aware that such public display of personal information could directly or indirectly impact their effectiveness as an employee of the department.

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**240 UNIFORM, NON-UNIFORM AND CIVILIAN EMPLOYEE OF THE QUARTER**

The Department recognizes outstanding work performance and provides a committee to select recipients from the Uniform, Non-Uniform and Civilian employees who are nominated each quarter.

This program is established to:

- \* Instill pride
- \* Enhance morale
- \* Recognize outstanding work

**RULES AND PROCEDURES:**

**240-1 NOMINATIONS**

- A. The program is open to all personnel regardless of rank or position. There shall be no restrictions as to the number of times a Uniform, Non-Uniform or Civilian employee may be nominated or selected.
- B. Uniform personnel will be considered separately from Non-Uniform personnel and vice versa.
- C. In order to qualify for nomination, personnel must:
  - 1. Be full-time, salaried or hourly, sworn or non-sworn personnel except as noted herein.
  - 2. Have performed the work of service being cited within the previous twelve (12) month period.
  - 3. Not have already received a Uniform/Non-Uniform/Civilian of the Quarter award for work or service cited in the present letter of nomination.
- D. Nominations are to be accomplished by the originator submitting a letter through his/her chain of command explaining the action or conduct being cited. Letters must be addressed to the Sheriff, with appropriate signature spaces for each step in the chain of command.
- E. Nominations do not necessarily have to cite a single deed or incident (i.e. act of bravery, etc.) but may cite outstanding or exceptional performance which shows a high degree of diligence or dedication to the Department or citizens of BernalilloCounty.
- F. Nominations will be accomplished at the Division level. Each Division may submit nomination letters for more than one sworn and/ or non-sworn personnel.

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- G. Any sworn or non-sworn personnel may make a nomination. Nominations are to be forwarded to the Commander of the Division to which the nominee is assigned.
- H. In the event the performance being cited occurred while the nominee was assigned to a Division other than his/her current assignment, the nomination will be forwarded to, and handled by, the Commander of the Division to which the nominee was assigned at the time the performance being cited occurred.
- I. In order to be considered for selection during the quarter, the nomination letter must be submitted through the chain of command no later than the last working day of the quarter.

**240-2**

**SELECTION COMMITTEE**

- A. A committee shall be appointed by the Sheriff to review and make selections from the nominations.
- B. The committee shall consist of not less than seven (7) persons, and shall consist of sworn and/or civilian personnel representatives of each Division and the Headquarters Section.
- C. Committee members shall be selected by the Sheriff, and the committee shall, by majority vote, elect one member to act as chairperson.
- D. Committee members shall serve no longer than four (4) years on the committee.
- E. Selection of the Uniform, Non-Uniform and Civilian of the Quarter award shall be accomplished no later than ten (10) calendar days following the end of each quarter.
- F. The committee may select more than one (1) Uniform/Non-Uniform/Civilian personnel for the award if more than one employee was involved in the same incident which instigated the nomination.
- G. Selections shall be made by majority vote with each member casting one (1) vote for Uniform, one (1) vote for Non-Uniform and one (1) vote for Civilian of the Quarter.
- H. Should there be insufficient candidates received in either category, the Committee will not be bound to make a selection for that quarter.
- I. The Sheriff shall be notified of the selections, in writing, by the Committee Chairperson within one (1) work

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day after the selections are made. The Sheriff, or designee, shall draft a letter of recognition for each recipient.

- J. A copy of the letter shall be placed in the individual's personnel file.
- K. A 8" by 10" color photograph of each recipient shall be taken by the Criminalistics Section, and the photograph appropriately displayed for the following quarter. Each recipient shall be furnished with a copy of the photograph.
- L. The review committee shall, no later than January 15th of each year, select a Uniform, Non-Uniform and Civilian of the year.
- M. Only recipients of the Quarterly Awards will be considered for the annual awards.
- N. This committee may also be tasked with providing recommendations and advisement to the Sheriff on matters pertaining to SOP sections 236 and 237 (commonly known as Uniform Appearance and Grooming) and other duties as assigned.

**240-3**

**RESERVE SELECTION**

- A. Reserve Deputies are also eligible for recognition as Reserve Deputy of the Year from among members of the Reserve Deputy Division. There will be only a yearly selection, not a quarterly award.
- B. In order to qualify for the nomination, Reserve Deputies must be an active Reserve Deputy in the Bernalillo County Sheriff's Department Reserve Division.
- C. All nominations for Reserve Deputy of the Year will be directed to the Reserve Division Board of Directors.
- D. Once the Reserve Deputy board of directors has chosen their nominee, they will submit their selection via the Reserve coordinator.
- E. All other selection criteria outlined in this section will apply for selection of Reserve Deputy of the Year.

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**AWARDS**

It is the policy of this department to provide formal recognition to both sworn deputies and civilian employees for acts of distinguished service or outstanding individual achievement.

**RULES AND PROCEDURES:**

**241-1**

**RECOMMENDATIONS**

- A. Any member of the Department having personal knowledge of an act of heroism, law enforcement action or an outstanding act of public service being performed by a member of this Department, may submit a recommendation for an award to the Sheriff.
- B. The following process will be followed when submitting a recommendation:
  - 1. All recommendations shall be submitted within ninety (90) days of the event or act.
  - 2. All recommendations shall be submitted in writing and forwarded through the writer's chain of command to the Sheriff.
  - 3. The Sheriff will review the recommendation and, if appropriate, forward the recommendation to the Award Committee for review and evaluation.
  - 4. Upon completion of the review, the Award Committee will notify the Sheriff of their findings and recommendations.
  - 5. The Sheriff will approve or disapprove the issuance of the award, and will make the final decision on the type of award, if any.

**241-2**

**Review and Evaluation**

- A. An Awards Committee shall be established for the purpose of reviewing, processing, and making recommendations concerning awards to nominees in consideration for the following awards:
  - 1. Medal of Valor
  - 2. Meritorious Service Award
  - 3. Purple Heart
  - 4. Life Saver Award

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- B. The committee will meet when deemed necessary by the sheriff.
- C. The Awards Committee will be comprised of six (6) members, appointed for a two-year term, every other January by the Sheriff or his designee. The committee shall be comprised of the following:
  - 1. (1) Chief Deputy (Chair)
  - 2. (1) Captain (Secretary)
  - 3. (1) Lieutenant
  - 4. (1) Sergeant
  - 5. (1) Deputy First Class
  - 6. (1) Civilian Employee
- D. The Awards Committee must have four (4) members present, and the chair to have a quorum.
- E. The committee may request anyone to appear as a witness and may examine reports, personnel files, and any evidence deemed necessary.
- F. The committee will make recommendations on each letter that is approved and forwarded to them by the Sheriff for review.
- G. The function, duty and responsibilities of the Awards Committee may be delegated to other established committees (i.e. Uniform, Non-Uniform, Civilian of the Quarter Committee) at the discretion of the Sheriff.

241-3

**AWARD CATEGORIES**

**A. Medal of Valor**

An outstanding act of bravery or heroism, which places the employee's life at great risk and/or results in the saving of a life. Any employee that is selected for this award will receive a "Medal of Valor" with ribbon and commendation bar.

**B. Meritorious Service**

A particularly notable accomplishment in the line of duty showing outstanding initiative and achievement. Any employee selected for this award will receive a "Meritorious Service" medal with ribbon and commendation bar.



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**C. Purple Heart**

A severe injury to a sworn member, received in the line of duty that is intentionally inflicted by an adversary or during an intentional battery upon the Deputy. Any Deputy that is selected for this award will receive a "Purple Heart" Medal with ribbon and commendation bar.

**D. Life Saver**

An outstanding act of heroism which results in the saving of a life. Any employee that is selected for this award will receive a "Life Saver" Medal with ribbon and commendation bar.

**241-4**

**Nominations and Documentation**

- A. All nominations must be typed and the incident described in a concise and complete manner. Nominations must contain a narrative summary stating why the candidate should receive the award.
- B. Supporting documentation is encouraged. Supporting documentation is any document that would enhance the nomination and strengthen its award potential. For example, newspaper articles, photographs, witness statements, medical reports, police reports, outside agency reports, and related Division or Departmental reports.
- C. Each nominating letter must have the endorsement of the person making the nomination and the endorsement of the candidate's immediate supervisor, section or area commander, and Division commander. These endorsements shall mean that each person endorsing the candidate concurs with the facts identified in the narrative summary and that each of the stated requirements for eligibility are met.

**241-5**

**Eligibility**

- A. All sworn personnel, holding the rank of deputy, who demonstrates their ability to perform the duties and fulfill the responsibilities of their present assignment in an above average manner, shall be eligible for an award.
  - 1. A candidate must not have had, in the previous 90 days, a chargeable accident or any complaint that has or could result in disciplinary action.
- B. All civilian personnel employed by the department, who demonstrates their ability to perform duties and fulfill the responsibilities of their present assignment in an above average manner shall be eligible for an award.
  - 1. A candidate must not have had, in the previous 90 days, any complaint that has or could result in disciplinary

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action.

**241-6**

**Award Presentations**

- A. Recipients of departmental awards will be honored and presented the award(s) at an awards ceremony to be scheduled by the Headquarters Section. The recipient will receive an appropriate medal, engraved with their name and the date of the action for which it was awarded, and an appropriate ribbon bar.
- B. In the presence of his/her peers, the award will be presented by the Sheriff or his designee.
- C. A picture of each awardee and a narrative summary covering the award will be given to the news media for release, with the awardee's permission.

**241-7**

**Wearing of Awards**

- A. Departmental Personnel may wear a medal and ribbon, which has been awarded while wearing a Class - A uniform only. It may be worn while attending award functions sponsored by outside law enforcement agencies and/or civic organizations. It may also be worn to a special function when requested and authorized by the Sheriff or his designee.
- B. Departmental Personnel will not wear an awarded medal and ribbon outside of the special circumstances listed.
- C. Personnel who have been awarded a commendation bar may wear this award on Class - A and Class - B uniform shirts.
- D. The commendation bar will be centered above the right breast pocket flap, directly above the seam of the pocket. Should personnel receive more than one commendation bar award, the commendation bars will be centered above the pocket, next to each other. The commendation bars will be worn from left to right, in the following order, if more than one has been awarded:
  - 1. Medal of Valor, Purple Heart, Meritorious Service and Life Saver.
- E. If Personnel are eligible to wear optional insignia as outlined in the Departmental Standard Operations Manual, then these insignia will be worn directly above and centered over the listed commendation bars.
- F. The Department will provide all Medals, Ribbons and Commendation bars. No other duplicates or replacements are authorized.

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**243 RECRUITMENT/SELECTION**

The Department recruits and selects qualified applicants for the position of Deputy Sheriff.

**RULES AND PROCEDURES:**

**243-1 RECRUITING/SELECTION UNIT**

- A. In order to be eligible for employment with the Department an applicant shall:
  - 1. Be at least twenty-one (21) years of age at the time of applying and hold a high school diploma or equivalent G.E.D. certificate;
  - 2. Be literate and pass a written examination prescribed by the Department and the County Personnel Department;
  - 3. Pass an agility test as prescribed by the New Mexico Law Enforcement Academy for certification as well as the test prescribed by the Department;
  - 4. Submit to an extensive background investigation in accordance with Department policy;
  - 5. Undergo and pass an oral interview conducted by the Oral Interview Board. The Oral Interview Board shall consist of three members of different rank, each representing a different division of the Department, i.e., Sheriff or his designee, one (1) Captain, one Lieutenant, one Sergeant, and/or one classified sworn deputy with a minimum of two years of service within the Department. All such Oral Interview Board members shall be appointed to serve by the Sheriff;
  - 6. Pass a pre-employment polygraph examination;
  - 7. Pass a post-offer Pre-employment psychological examination and evaluation as developed by the Department;
  - 8. Pass a post-offer pre-employment physical examination, which shall include a drug test, as designated by the County Personnel Department.
- B. The new employee shall be required to satisfactorily complete within the first six (6) months of employment (unless the employee holds a current certification) the basic certification course as prescribed by the New Mexico Law Enforcement Academy.

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- C. The new employee shall undergo a probationary period of twelve (12) months active employment from his date of hire. During the probationary period, the employee shall be subject to the County Personnel Rules and Regulations and shall not be subject to the terms and provisions of this Agreement. He shall be subject to dismissal at any time and for any reason not otherwise proscribed by federal or state law.
- D. No applicant for employment shall be hired in a position above the rank of Deputy 1<sup>st</sup> Class.

**243-2 LATERAL ENTRY**

In addition to meeting all the requirements of a new applicant, a lateral entrant shall serve a twelve (12) month probation period during which he shall be employed in an *at-will* status, and must meet the following conditions:

- A. Possess a current certification in New Mexico as a law enforcement officer, or be employed at a Deputy Second Class and be eligible for a certification by waiver within the first six months of employment.
- B. An employee hired under the foregoing lateral entry procedures shall not be eligible to take the Sergeant's examination until he has completed four years of service as a classified sworn officer.
- C. The applicant's previous law enforcement service must have ended no more than (90) days preceding application to this Department.
- D. All new hires, lateral hires, and rehires shall be required to serve (2) full years in Field Services Division before being eligible to apply for re-assignment. New hires and lateral hires shall be ineligible for special assignment during the twelve(12) month probationary period.

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**245 HONOR GUARD**

The Department shall equip and maintain an Honor Guard unit to represent the Department during special events, or when necessary to perform other duties in honoring law enforcement officers who have fallen in the line of duty.

The Honor Guard coordinator/Commander will be a Deputy of the rank of Sergeant or above.

Any sworn personnel of the Department is eligible for assignment to the Honor Guard.

**RULES AND PROCEDURES:**

**245-1 EQUIPMENT**

- A. Equipment necessary for Honor Guard members, which is in addition to that required for regular SOP compliance, will be provided by the Department. The Department will provide:
  - 1. One long sleeve shirt with gold buttons.
  - 2. Battle cord, or other special unit shoulder decoration.
  - 3. Ascots, as designated by the unit Commander.
  - 4. White gloves.
  - 5. Other specialty items necessary for Honor Guard specific duties.
- B. Honor Guard members will provide:
  - A. Black leather military style lace boots.
  - B. Tan trousers with a gold and blue stripe.
- C. If other equipment is necessary, such as weapons for a Twenty-One gun salute, the Honor Guard Commander will make arrangements for them on an as needed basis.
- D. Honor Guard members are given the authority to have the Honor Guard patch on the right shoulder of their regular uniform shirts.

**245-2 HONOR GUARD FUNCTIONS/COMMAND**

- A. The Honor Guard may represent the Sheriff's Department in the below listed functions:
  - 1. Upon the death in the line-of-duty of any sworn Department personnel.

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2. Upon the death of retired sworn personnel at the request of their family.
  3. Upon the death in the line-of-duty of any other sworn law enforcement personnel at the direction of the Sheriff.
  4. Special events at the direction of the Sheriff (i.e. Police Memorial day, parades etc.).
- B. The Honor Guard coordinator/Commander must be given at least seven (7) days notice of upcoming events, more if possible. (With the exception of funerals where as much notice as possible should be given.)
  - C. Requests for the Honor Guard must be directed to the Honor Guard Commander.
  - D. The Honor Guard Commander or designee will be the liaison between the unit and family members during arrangements for a funeral service.
  - E. The Honor Guard Commander will arrange for training/practice as is deemed necessary.
  - F. The Honor Guard will use procedures for military drill as the guide for unit performance.



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**246 AUTHORIZED FIREARMS / AMMUNITION AND FIREARMS QUALIFICATIONS**  
**DEFINITIONS:**

**ON-DUTY**

Scheduled working hours or overtime assignment. (A paid status)

**OFF-DUTY**

All time not considered on-duty.

**RANGE**

Square range, classroom, target shed, storage facilities.

**BACK-UP WEAPON**

That weapon carried in addition to your primary duty weapon, must be concealed.

**URBAN RIFLE**

Any of various automatic or semiautomatic rifles with large capacity magazines.

**RULES AND PROCEDURES:**

**246-1 AUTHORIZED HANDGUNS FOR ON DUTY USE**

There are four handguns authorized for duty use: the department issued handgun, a personally owned duty handgun (maximum of two operating systems authorized at one time, alternate handguns, back-up handgun, and including those weapons used by members of tactical team or other specialized personnel. All handguns carried while on-duty are subject to inspection. Personnel must carry at least one (1) fully loaded magazine or rounds in addition to a fully loaded weapon.

**246-2 SECURING FIREARMS**

All personnel will maintain all of their firearms in a secure location at the end of their duty shift.

- A. Personnel may leave weapons in their assigned vehicle ONLY if they are secured in a locking device that was installed in the vehicle through the Professional Standards Division.
- B. Personnel that park their assigned vehicle in a secured garage will be in compliance with this section.
- C. Personnel transporting prisoners or detainee arriving at whatever jail, detention center, holding facility that requires Deputies firearms to be secured prior to or while entering their facilities will secure those firearms in

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designated locations either provided by the custody facility or in a secured area in the transport vehicle.

- D. Personnel will NOT surrender any other forms of force that may be carried on their person such as Chemical Spray, Batons, and or Taser. This is to allow Deputies to react to unforeseen situations with some type of force in the event of an immediate threat.

**246-3 DEPARTMENT ISSUED DUTY HANDGUN**

- A. The Glock Model 22 semi-automatic pistol will be issued to all new personnel and must be carried until their 2<sup>nd</sup> anniversary of date of hire.
- B. Department weapons may not be altered from factory specifications in any way without written permission from the Department Rangemaster

**246-4 ALTERNATE HANDGUN**

- A. Personnel operating in an undercover capacity must obtain written approval from their Division Commander prior to carrying an alternate handgun that may be more suitable for their undercover needs. An alternate handgun is any handgun used in on-duty undercover operation.
- B. Personnel using alternate handgun must complete the same procedures outlined on "PERSONALLY OWNED DUTY HANDGUN APPROVAL PROCESS"

**246-5 PERSONALLY OWNED DUTY HANDGUN**

- A. Specifications for a personally owned duty handgun:
  - 1. Personally owned duty handguns must have a semi-automatic operating system.
  - 2. The personally owned duty handgun must be chambered in one of the following calibers: 9 x 19mm, .40S&W or .45 ACP.
  - 3. Barrel lengths of specifically owned duty handguns must meet the following:
    - a) Uniformed personnel: not less than 4 inches and no more than 5 ½ inches.
    - b) Plainclothes personnel: not less than 3 inches and not more than 5 ½ inches
  - 4. Must not have a trigger pull of less than 3 pounds as determined by the Rangemaster.

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- B. Procedures regarding personally owned duty handguns
1. Sworn personnel who have been employed for more than 2 years may request from the Sheriff permission to carry a personally owned semi-automatic weapon which meet the previously described specifications.
  2. Personnel requesting and receiving authorization to carry a personally owned weapon will utilize that weapon while on-duty, during all qualifications, and during all training until they have informed the Sheriff, in writing, that they will no longer be carrying the personally owned weapon.
  3. Personnel must be authorized to carry personally owned duty handguns that are different operating systems (double action, double action only, single action, etc.), but will be limited to no more than two (2) different operating systems at any one time. Subsequent authorizations may supersede current authorizations. Deputies must qualify with all personally owned handguns they are authorized to carry at each quarterly qualification.
  4. Personnel choosing to carry a personally owned duty handgun may turn in their department issued handgun to the Department Rangemaster. Those choosing not to turn in their Department issued handgun will be required to qualify with their personally owned handgun and their department issued handgun during each quarterly qualification shoot.

**246-6 PERSONALLY OWNED DUTY HANDGUN APPROVAL PROCESS**

- A. Contact Range and be scheduled from process. The Rangemaster will schedule at least two (2) Personally Owned Firearms Transition Courses per year or as needed by the department. Personnel wishing to attend these sessions must receive permission from their immediate supervisor.
- B. Report to Range with weapon, duty gear (duty gear includes - weapon appropriate holster, magazine carriers, duty belt abd under belt, and at least 500 rounds of ammunition on scheduled day.
- C. Range master will inspect and verify that the handgun meets the required specification and that the duty gear presented is for the weapon. (Once the weapon has been inspected and it is later altered or modified, it must be re-inspected and approved by the Rangemaster prior to being carried on-duty).
- D. Shooter performs a test out and qualified with the handgun.
  1. Personnel making an initial request for approval of a

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new firearm must participate in the Personally Owned Handgun Transition course. This course will include a four (4) hour manipulation lecture block and a four (4) hour handling and qualification block conducted on the firearms range.

2. Deputies carrying a personally owned handgun approved by a previous administration must submit their authorization forms to the Rangemaster for inclusion in the range file and participate in a four (4) hour manipulation lecture block. The provision may be waived at the discretion of the sitting Sheriff.
- E. Rangemaster signs approval requests form.
- F. Deputy submits approval requests form and memo, through their chain of command, to the Sheriff for consideration.
- G. Sheriff retains the option to approve or deny the request.
- H. A copy of the approval or denial will be sent to the deputy's personnel file, the deputy, and the Rangemaster.
- I. When the deputy receives an approved request form from the Sheriff, they may begin carrying the personally owned weapon.

**246-7 BACK-UP HANDGUNS**

- A. A member may carry a personally owned back-up handgun concealed on his person while in uniform or out of uniform, whether on or off duty, to use in any unforeseen emergency circumstances. Then handgun must be of quality manufacture and chambered for piston ammunition.
- B. Prior to carrying the back-up handgun the deputy must contact the Rangemaster and be scheduled for the back-up firearm transition course, and / or have had a back-up firearm course in the Basic Academy and / or attended an advanced training backup firearms course.
- C. Personnel wishing to attend a back-up firearm transition course while on duty must receive permission from their immediate supervisor and must:
  1. Report to Range with weapon and at least 100 rounds of ammunition on scheduled day.
  2. Rangemaster inspects and approves weapon. If the weapon has been inspected and it is later altered or modified, it must be re-inspected and approved by the Rangemaster prior to being carried.
  3. Shooter performs test out and qualifications with the handgun.

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- D. The member must qualify twice (2x) each year on the Department back-up qualification course during the state day shoot and state night shoot quarters.
- E. A member who fails to qualify with their back-up handgun after two (2) attempts will forfeit their right to carry a back-up handgun for one calendar (1) year and will be subject to retraining on the handgun prior to being authorized to carry the weapon.
- F. Personnel carrying back-up weapons will be responsible for the ammunition used in the weapon, except those that are .40 S&W in the caliber. Ammunition for other calibers may be issued when available.

**246-8 HANDGUNS AUTHORIZED FOR OFF-DUTY USE**

- A. The department issued handgun, personally owned duty handgun, and back-up handgun are authorized for off duty use.
- B. Sworn personnel are permitted to be armed at all times while off-duty in compliance with applicable law. Carrying of a weapon while off-duty is discretionary, however:
  - 1. Failure to have a weapon will not relieve sworn personnel of their responsibility to take proper law enforcement action in any matter coming to their attention.
  - 2. Sworn personnel in civilian attire who are armed, whether on duty or off-duty, shall carry such weapons concealed from public view.
  - 3. Sworn personnel working within their assigned areas of the law enforcement center, or their offices are considered not to be in public view.

**246-9 AUTHORIZED HANDGUN MODIFICATIONS**

- A. Weapon mounted flashlights - Integral flashlight systems must be approved by the Rangemaster, used in conjunction with a holster expressly designed for the light mounted handgun, and meet the following criteria:
  - 1. The light/handgun combination will be used in those situations where the use of the approved flashlight technique is appropriate.
  - 2. Deputies are not absolved of the responsibility of possessing a flashlight for general illumination duties even if they have a weapon mounted light.
  - 3. Department issued handguns cannot be altered or modified

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to accommodate the light.

4. Personnel who have equipped their handguns with a weapon mounted light must attend training in the proper use and installation of the light. This training may be provided in the basic Academy, in the advanced training class, or as part of a deputy's assignment to a specialty unit utilizing the equipment. This section shall in no way inhibit the S.W.A.T. Team from utilizing any appropriate or necessary approved equipment.
- B. No other modifications or devices are permitted for any handgun specified in this section.

**246-10 AUTHORIZED HANDGUN AMMUNITION**

- A. Sworn Personnel carrying the department issued handgun must use Department issued ammunition and may not alter the ammunition from factory specifications in any way.
- B. Personnel choosing to carry a personally owned deputy handgun will be responsible for all ammunition used in the weapon, except those that are .40 S&W in caliber. Ammunition for other authorized calibers may be issued when available.
- C. Ammunition used in personally owned handguns must be:
1. Factory loaded and unaltered from factory specifications.
  2. Be of an expanding design hollow point design. No pre-fragmenting, exploding, tracer, armor piercing, or multiple projectile ammunition designs are permitted.
  3. Ball or FMJ ammunition is authorized for qualifications and training only.

**246-11 SHOTGUNS**

- A. Sworn personnel may carry the Department issued 12 gauge Remington 870 shotguns in their patrol car and must be responsible for:
1. Keeping the shotgun in a safe and working condition.
  2. Personnel authorized to carry a shotgun will qualify with the weapon once a quarter. Personnel will have no more than two (2) attempts to qualify with the shotgun in a single quarter. If a deputy is unable to qualify during the two (2) attempts, the deputy's authorization to carry the shotgun will be revoked for one (1) calendar year. After the revocation period has expired,



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they must successfully pass a basic shotgun course before being permitted to carry the weapon.

3. Duty and Qualification ammunition will be provided to the deputy.
4. Sworn personnel are responsible for the safety of the shotgun.

**246-12 AUTHORIZED SHOTGUN AMMUNITION**

- A. Department issued 00 buckshot is the standard load for shotguns. Loads of any other type may not be used without authorization from a supervisor. Department issued rifled shotgun slug ammunition may be used in shotguns with permission from a sworn, on-duty supervisor.
- B. The shotgun will be carried in the cruiser safe mode (magazine loaded, chamber empty) while in the patrol vehicle.

**246-13 URBAN RIFLE**

- A. Sworn Members of the Department are authorized to carry and use an approved urban rifle in the performance of their duties, provided the criteria set forth is met. Personnel who have been authorized to carry urban rifles must attend training in the proper use and capabilities of the rifle. This training may be provided in the basic Academy, in an advanced training class, or as part of a deputy's assignment to a specialty unit utilizing such equipment. Each member must qualify on a Department mandated qualification course, with a minimum score of 90% prior to being allowed to carry such an urban rifle.
- B. Department weapon may not be altered from factory specifications in anyway without written permission from the Department Rangemaster.
- C. The urban rifles not issued by the department must meet the following specifications:
  1. Must be of the "AR-15 family" mechanically and in appearance.
  2. Urban rifles will be semi-automatic and .223 (5.56mm) in caliber, with a minimum barrel length of 16 inches and a maximum barrel length of 20 inches.
  3. Modifications to the operating system (triggers jobs, etc.) are permitted provided that prior approval from the Rangemaster has been obtained and inspection, by the Rangemaster, of the modification after the work is completed.
  4. The urban rifle's appearance will be standard; no

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camouflage finishes allowed

- ~~5.~~ The urban rifle MUST have iron sights.
- ~~6.~~ The urban rifle MUST have a sling.
- ~~7.~~ The urban rifle may be equipped with a flashlight mount.
- ~~8.~~ The urban rifle may be equipped with a quality electronic optical sight. Authorized sights will be mil-spec models with aiming points no larger than 4 M.O.A. Mounting hardware will be mil-spec and incorporate iron sights that can be co-witnessed through the electronic sights. Personnel who have equipped their urban rifles with an electronic sight must attend training in the proper use and installation of the sight. This training may be provided in the basic Academy, in the advanced training class, or as part of a deputy's assignment to a specialty unit utilizing such equipment. Many optical sights may be suited but the following optic manufacturers are recommended:
  - a. Eotech
  - b. Trijicon
  - c. Aimpoint
  - d. Leopold
9. Other producers may be suitable but the following rifle manufacturers are recommended:
  - a. LaRue
  - b. Bushmaster
  - c. Rock River
  - d. Colt
  - e. Spike's Tactical
  - f. Smith & Wesson
  - g. Daniels Defense
10. Optical magnifiers are permitted but must be inspected by the Range master and approved by the Under-Sheriff' Personnel who have received permission must attend training in the proper use and installation of a magnifier. This training may be provided in an advanced training course, or as part of a deputy's assignment to a specialty unit utilizing such equipment.

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11. Twenty (20) and thirty (30) round capacity magazines will be the only authorized magazine for official use. A minimum of two (2) fully loaded magazines MUST be carried upon deployment of the Urban Rifle.
- ~~D.~~ All on-duty ammunition must be approved by the Rangemaster and must be of quality manufacture. Ammunition will be provided when available.
  1. The following ammunition grain weights and bullet designs are authorized for duty use:
    - a. 55 grain soft point **is authorized for duty use.**
    - b. 55 grain Hornady TAP (Red Tip) is authorized when loaded in a specially marked magazine specific to that ammunition.
    - c. **64 grain Speer Gold Dot soft point.**
    - d. **62 grain Federal tactical bonded soft point is authorized for Special Weapons and Tactics operations.**
- ~~E.~~ Maintenance and cleaning is the responsibility of the member. Each member MUST keep their urban rifle in good working condition.
- ~~F.~~ Members may carry a Department authorized urban rifle in their duty vehicles as follows:
  1. Weapons MUST be kept in a locking gun rack in the front passenger compartment or be secured in the trunk in a soft or hard case.
  2. The weapon will be maintained in the "half load" condition, with the dust cover in place.

**246-14 URBAN RIFLE QUARTERLY QUALIFICATIONS PROCEDURES**

- A. Each member must qualify a minimum of four (4) times yearly on the department mandated qualification courses with a minimum score of 90%. Personnel will have no more than two (2) attempts to qualify with the urban rifle in a single quarter. If a deputy is unable to qualify during the two (2) attempts, their authorization to carry the urban rifle will be revoked for one (1) calendar year. After the revocation period has expired, they must successfully pass a basic urban rifle course before being permitted to carry the weapon.
  1. Duty ammunition must be used for the first qualification of the calendar year.

**246-15 RANGE RULES**

- A. Four Basic firearms rules:

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1. All guns are always loaded.
2. Always keep the firearm pointed in a safe direction.
3. Keep your finger off the trigger until your sights are aligned and you have made decision.
4. Make sure your target and what is behind it.

**246-16 RANGE PROCEDURES**

A. Only sworn or non-sworn personnel employed by the department will be allowed on the firing line.

1. Other personnel must remain in designated areas as established by the Rangemaster.

B. Other than the Range Officers, no one will be allowed on the firing line unless they are shooting.

C. All personnel must report to the Range 15 minutes prior to shoot time.

D. All weapons are subject to inspection prior to being fired.

E. All weapons will be cleaned prior to use on the Range. Personnel with dirty weapons will not be allowed to shoot until their weapon has been cleaned and inspected. If weapon is determined to be unsafe or is not functioning properly the range staff will be responsible for removing the weapon from service and replacing the weapon with a safe weapon.

1. Prior to qualification, all weapons must be checked by the Department Rangemaster or his designee to show that the condition has been corrected.

F. If there are any questions as to your score, your target will be re-scored one additional time only.

G. There will be no alibi shots allowed.

H. There will be no talking on the firing line, except with Range Officers.

I. If there is a malfunction of a weapon that the shooter cannot clear himself/herself, drop to one knee and advise the Range Staff that you have a malfunction.

J. All shooting will be done with the holster used while on-duty; loading of ammunition will be done from the carrying device used while on duty.

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- K. All ammunition is subject to inspection by the Rangemaster prior to use.
- L. Personnel with multiple duty handguns who are unable to qualify with one of those duty handguns after 4 attempts will forfeit the privilege to carry that handgun for one (1) calendar year; and will be subject to retraining on the handgun prior to being authorized to carry the weapon. All department personnel must qualify with at least one duty handgun (either the department issued handgun or personally owned duty handgun) per quarter or be subject to the provisions stipulated in section L below.
- M. The following qualification procedures will apply to all sworn members of this agency, all commissioned Sheriff's Department members (School Resource Specialist, Court Security Personnel, etc.), and all commissioned non-departmental certified law enforcement members (APS Police personnel, etc.) qualifying with this department.
  - 1. Once a deputy or member arrives at the range and declares that they are there to attempt qualification with their duty handgun, on the stipulated firearms qualification, the procedures outlined here shall be initiated. A firearms qualification is a TEST, no coaching, assistance, or training will occur during the testing cycle. No deputy or member is permitted to exit the qualification process once the process has been initiated. The qualification must be completed without aid of objects not previously approved or the help of any kind from other deputies or members. The following procedure will only apply to qualifications involving the deputy or member's duty handgun.
  - 2. Once a qualification process has been initiated the deputy or member will be allowed two (2) attempts to qualify.
    - a. If a deputy or member fails to qualify they will receive "initial remedial training" from a state certified department firearms instructor assigned to the range that day. The initial remedial training may cover basic firearms manipulation, stance, breathing, grip, or other areas as identified by the instructor and will last not more than 1 hour at the instructor's discretion. The instruction may include live fire or dry fire practice.
    - b. The deputy or member will then be given **one (1)** additional **attempt** to qualify. If the deputy fails to qualify at this stage they will be relieved with pay and directed to appear at the range the following business day for

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"intensified remedial training." If a member fails to qualify they will have their commission issued by the Sheriff temporarily suspended. The Rangemaster will make the necessary notifications to the deputy's immediate supervisor as well as their own supervisor.

3. The intensified remedial program will consist of training that will last not more than 8 hours, and focus on the deputy's identified deficiencies. The instruction given will be presented by a state certified department firearms instructor. Dry fire, live fire practice, and other diagnostic tools may be used to improve the deputy or member's performance. Following the intensified remedial training session the deputy or member will then be permitted one (1) attempt to qualify. The Range master will make the necessary notifications to the deputy's immediate supervisor as well as their own supervisor.
  - a. If the deputy fails to qualify they are encouraged to seek additional instruction from departmental and non-departmental members as they see fit or as coordinated through their immediate supervisor. Departmental resources (i.e. the use of force simulator, the firearms diagnostic machine, and range time for live fire and dry practice, etc.) will, if available, be made available to the deputy for use. Coordination for use of these resources will be made with the Range master.
4. Deputies or members who have failed to qualify to this point will be directed to report to the range within 10 working days (Monday - Friday, excluding holidays) where they will be given two (2) opportunities to qualify. Arrangements for these final qualification attempts will be coordinated with the deputy or member's immediate supervisor and the Range Master.
5. If the deputy fails to qualify after the final qualification attempts, a memorandum will be drafted by the Lieutenant who supervises the Range staff and forwarded through the chain of command to the Sheriff recommending termination pursuant to the BCDSA Contract. If a member fails to qualify their commission will be permanently suspended at the discretion of the Sheriff.
6. The above stipulated procedure may be temporarily

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suspended, at the discretion of the Sheriff or his designee, based on some unforeseen emergency event which would make it unfeasible or impractical to implement but shall return to it as soon as practicable.

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**248 USE OF TAPE RECORDERS AND DASH CAMERA IN VEHICLES**

The Department shall issue all sworn personnel a belt recorder for use in the performance of their duties.

**RULES AND PROCEDURES:**

**248-1 TAPE RECORDERS**

- A. Such issued equipment will be noted on the individual's property card maintained by the Administrations Section.
- B. Personnel issued recording equipment are responsible for its maintenance.
- C. All uniformed sworn personnel will be required to carry the issued recorder while on duty.
- D. Personnel will use issued tape recorders to document the occurrence of, or in the anticipation of, any of the following:
  - 1. Resisting, Evading or Obstructing arrests
  - 2. Disorderly Conduct arrests
  - 3. Domestic Violence calls
  - 4. Calls involving suicidal individuals
  - 5. Contacts where there is reason to believe a complaint could result
  - 6. All traffic stops
- E. Recordings will only be made in connection with official law enforcement business, or when a Deputy believes that the recording may be used in an administrative investigation.
- F. Although Deputies are not required to announce to a citizen that their conversation is being recorded, personnel will truthfully respond if asked by the citizen whether or not the conversation is being recorded.

**248-2 TAPE RECORDING EVIDENCE**

- A. All recordings listed above must be tagged into evidence and will be listed on the report as being tagged, with the exception of:
  - 1. Those contacts regarding possible complaints without arrest
  - 2. Traffic stops without incident

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- B. Tape recordings of confessions or other incidents that could be considered evidence will be handled accordingly.
- C. The tape cassette will be tagged into evidence in accordance with proper evidence procedures.

**248-3 PROTECTIVE USES**

- A. Tape recordings of contacts with the public where no arrest is made, but there is reason to believe that a complaint will be made, will be maintained by the deputy for a period of (180) days. More than one day of contacts may be included on one tape.
- B. A written explanation of the contents of the tape should accompany the tape, and should include:
  - 1. The date, time, location, and name(s) of the person(s) recorded.
- C. The Sheriff retains the right to order that any such tape recording be surrendered to him or her immediately, with explanation.

**248-4 UNAUTHORIZED USES**

- A. No employee shall electronically record any conversation between himself or herself and another department deputy(s) unless the other person(s) has been advised of the recording prior to its initiation, the recording is done in conjunction with a criminal investigation to which the employee has been assigned, or the recording is done in compliance with the appropriate and applicable sections of the Standard Operating Procedures Manual.
- B. Nothing in this Section shall be construed to restrict the rights of any employee in the furtherance of legitimate non-department, personal interests to record conversations not in violation of applicable Federal or State law.

**248-5 PERSONAL TAPE RECORDERS**

The use of personal tape recorders must be authorized in writing, in advance, by the employees' Division Commander. All regulations in the Standard Operations Procedures Manual, Section 248.00, apply to the use of personal tape recorders. The Bernalillo County Sheriff's Department will not be

responsible for the cost of maintenance, damage or replacement of personal tape recorders.

Effective date: January 9, 2017

**248-6**

**USE OF DASH CAMERA IN VEHICLES**

Definitions

A dash camera is any video and/or audio capturing device that the Department has approved to be mounted in any designated by the Field Services Commander.

**248-7**

**USE OF CAMERA**

- A. Every Deputy must be trained on the use of the dash camera system prior to utilizing it in any patrol or investigative procedures.
- B. The device will be visually inspected prior to the beginning of the shift to ensure that nothing in the set up of the unit has been changed or been tampered with. If there are any alterations or malfunctions the Deputy will notify their supervisor immediately.
- C. When the vehicle is running and being used in any capacity, on duty or off, the camera system must be powered on until the unit is turned off. The only times it shall be turned off is during meal break, or if the vehicle becomes disabled.
- D. If the Deputy is in the vehicle and involved in an off duty incident that might involve criminal charges or a complaint being filed, the Deputy must make every attempt to turn the camera on at the first opportunity.
- E. No settings on the camera may be changed or change the physical setup or attempt to be made by the Deputy without permission of a Field Services Commander.
- F. The angle that the camera lens points shall not be changed or altered unless to show an area that is involved in the investigation, and upon completion must be charged back to face the front of the vehicle by the front primary lens.
- G. If there is a prisoner in the back seat of the patrol vehicle, any rear facing camera that is pointed towards the interior of the patrol vehicle must be turned on the reasonably be pointed towards the prisoner. This does not apply to non-arrested passengers.
- H. If any arrest with new criminal charges occurs resulting from any traffic stop of an individual outside of the vehicle, a copy of the recording must be tagged into evidence.
- I. Use of a belt tape and other recording devices other than the mounted video camera may not be used when the microphone from the mounted video camera might not function due to being too far away or any other problem, the Deputy must use another recording device per section 248.

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**248-8**

**CAMERA MAINTENANCE, REPAIR AND REPLACEMENT**

- A. If in the event of a camera malfunction, the Deputy must immediately notify his supervisor and fill out an "In Car Camera System Repair" form, take to their vehicle to the Radio Shops and speak with the Radio Shops Supervisor about the repair or replacement of the camera, and immediately begin to use belt tape to continue to record all events required by section 248.00.

**248-9**

**SUPERVISOR RESPONSIBILITIES**

- A. The supervisor of any Deputy assigned to the county owned vehicle with a camera recording device installed must be trained in the use of the camera.
- B. Upon notification that the camera system is not functioning as designed, the supervisor must ensure the Deputy takes their vehicle to the Radio Shops at the first opportunity to repair or replace the camera system.

The supervisor must ensure that Deputies under command have adequate supplies so the Deputy can copy and/or tag in any recorded evidence in a timely manner.

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Effective date: November 17, 2015

**249 OTHER AGENCY LIAISON**

The Department encourages liaison with and to provide guidelines for maintaining effective channels of communications between other law enforcement agencies, local fire Departments, emergency medical officials, and other agencies within the criminal justice system (i.e. courts, prosecutors, probation and parole, and juvenile and adult institutions).

**RULES AND PROCEDURES:**

**249-1 INTER-AGENCY COOPERATION**

- A. Department personnel with specific liaison responsibilities are:
  - 1. Chief Deputies, Commanders, civilian directors and specialized unit superiors who shall maintain local liaisons with appropriate agencies, including but not limited to:
    - a. Allied law enforcement agencies including state and federal agencies (Department of Justice, FBI, DEA, Parole, and Probation).
    - b. BernalilloCounty Fire Department
    - c. Medical Emergency Services
    - d. Courts and Prosecutors
    - e. The CountyCommission
    - f. Juvenile service groups.
- B. Personnel assigned to the positions of public information office, crime prevention, and any other designated unit who will perform specific liaison functions as required by this job description.
- C. Personnel appointed to a special project or assignment that requires cross jurisdictional coordination and cooperation.

**249-2 OUT OF AGENCY REQUEST POLICY**

**PURPOSE**

In an effort to manage and evaluate outside agency requests for Bernalillo County Sheriff's Office personnel and equipment, the following protocol will be followed.



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PROCEDURE

All outside agency, made in advance, requests will be made following this written procedure, regardless if the request was made in verbal, written, or other electronic media form.

If an agency request is made by an outside agency they will be required to notify Sheriff Manuel Gonzales III or his designee of this request by utilizing the attached "Outside Agency Request Form." The request form can also be found on the Bernalillo County Sheriff's website under the help section.

Completed forms can be sent to the Sheriff for consideration by one of the following:

- Emailed directly to Sheriff Gonzales at [mxgonzales@bernco.gov](mailto:mxgonzales@bernco.gov)
- Mailed to Sheriff Gonzales at 400 Roma Road NW, Albuquerque, NM 87102
- Hand delivered to Sheriff Gonzales at 400 Roma Ne, Albuquerque, NM 87102- 5<sup>th</sup> Floor

Once the request form is received the Sheriff will make the determination if the request will be granted.

It is best that requests be received at least 24 hours prior to their need.

If the request is granted the Sheriff will forward the "Outside Agency Request Form" to the supervisor in charge of the items, assets, or personnel requested. The assigned supervisor will then contact the requesting agency directly to arrange for delivery of items, assets and/or personnel requested.

Any outside agency requests made for assistance with "in-progress" calls may be made to the appropriate on-duty unit supervisor.

The unit supervisor will be required to notify his or her chain of command (Lieutenant, Captain, Chief Deputy, Undersheriff) about the request without delay for final approval.

Ex: An outside agency requests K9 assistance for an in-progress call. The K9 unit supervisor may make the determination to honor the request. If the request is honored he or she will be required to notify the chain of command of the request and obtain final approval.

Ex: An outside agency requests field services deputies for assistance with an in-progress call. The field supervisor may

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make the determination to honor the request. If the request is honored he or she will be required to notify the chain of command of the request and obtain final approval.

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**BERNALILLO COUNTY SHERIFF'S OFFICE**  
**OUTSIDE AGENCY REQUEST FORM**

**Instructions: Please fill out all portions of this request form. Any incomplete forms will be rejected.**

**Name of requesting agency:**\_\_\_\_\_

**Name and rank of requestor:**\_\_\_\_\_

**Phone:**\_\_\_\_\_ **email:**\_\_\_\_\_ **Cell:**\_\_\_\_\_

**Today's Date :**\_\_\_\_\_ **Time:**\_\_\_\_\_

**Date assets are needed:**\_\_\_\_\_ **Time:**\_\_\_\_\_

**Estimated duration requested assets will be required:**\_\_\_\_\_

**Need for the requested items/personnel: (explain in detail)**\_\_\_\_\_

**Equipment requested (explain in detail):**\_\_\_\_\_

**Specialty unit requested: (I.e. SWAT/ K9/ ERT/ CSI/ CID etc.)**\_\_\_\_\_

**Number of personnel requested (explain the need):**\_\_\_\_\_

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**250 CELLULAR TELEPHONES**

It is the policy of the Sheriff's Department to utilize cellular telephones and appliances in the course of law enforcement operations to enhance Departmental communication. Cellular phones may be used by Deputies to conduct official business when the use of radio communication or hard line telephones is inappropriate, unavailable, or inadequate to meet communication needs and when the cellular phone is used in accordance with Departmental policy.

**DEFINITIONS:**

**DISRUPTIVE ACTIVITY**

Any time that cellular phone operations would be considered disruptive, such as in meetings, training sessions, court, or public places when their use would reasonably be deemed annoying and intrusive.

**DISTRACTION**

Any time the use of a cellular phone would unnecessarily or unreasonably divert the attention of a Deputy from official duties and/or cause a potentially hazardous situation.

**RULES AND PROCEDURES:**

**250-1 DEPARTMENT OWNED CELLULAR PHONES**

- A. Cellular telephones are authorized for official Departmental business. Exceptions may be made for family situations or personal matters that require attention and where alternative forms of communication are not suitable or easily available.
- B. Cellular telephones may be used in off-duty capacities only for the conduct of Department related business or during Departmentally managed off-duty law enforcement assignments.
- C. Cellular telephones are an augmentation to the Department's communication system, not a substitute for radio communication designated for transmission through the Department's communication center. Approved cellular telephone usage includes but is not limited to the following types of communications:
  - 1. Conveyance of sensitive or restricted information.
  - 2. Undercover operations.
  - 3. Lengthy communication with supervisors or Headquarters personnel.

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4. Communication beyond normal radio range.
5. Incidents in which direct contact with a deputy and the public is critical.
6. Incidents in which use of a hard line telephone would be appropriate, but where one is not available.
- D. Cellular telephone numbers should not normally be provided to members of the public. Exceptions may be made when immediate future contact between a deputy and a victim, witness, or other person may be critical.
- E. Personnel may not provide the cellular telephone number of any member of this Department to a member of the public without the cell phone users authorization.
- F. Deputies should not use the Department owned telephone for car-to-car communication when other means are available and appropriate.
- G. Incident reports may not be taken using the cellular telephone. The phone may be used to contact the victim or complainant and arrange a meeting time and place but only to expedite service.
- H. Deputies may not operate their assigned vehicle or any vehicle used for official business while using a cellular telephone unless emergency circumstances exist and other means of communication are not available or suitable. Deputies will pull off the roadway in a safe location when using cellular phones unless hands-free operational devices are available.
- I. Any financial charges incurred by cellular telephone use should be limited and clearly linked to the necessity to use cellular phones when other alternatives are not available or inappropriate.
1. Random and periodic audits of Departmental issued cellular use may be made at the Department's discretion.

**250-2 PERSONAL CELLULAR PHONES**

- A. Deputies electing to carry personally owned cellular telephones while on duty must obtain approval from their immediate supervisor and provide him/her with the telephone number.
- B. Use of personal cellular phones whether in voice or data transmission while on duty should be restricted to essential communications and should be limited in length. Engagement in multiple or extended conversations unrelated to Departmental business or similar use that interferes

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with the performance of duty is prohibited.

- C. Use of personal cellular telephones is governed by the same safety restriction as provided for Departmentally owned cell phones.
- A. Personal or Departmentally issued cellular phones should not be used if they may be disruptive to others. Photo messaging capabilities are prohibited unless they can be clearly linked to the conduct of official Departmental business.



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**251 VOLUNTEER STUDENT INTERNSHIP PROGRAM PROCEDURES**

The primary goal of the Volunteer Summer Intern Program (Program) is to utilize volunteer student interns to support the mission of the Bernalillo County Sheriff's Department in the preservation of public safety in Bernalillo County. The Program seeks to create and sustain mutual benefit for the student and the Department. Because the Program is designed to increase community involvement with the department, student interns are selected strictly as volunteers seeking an opportunity to assist the department by performing duties normally assigned to a non-sworn member.

**251-1 PROGRAM ADMINISTRATIVE REQUIREMENTS:**

- A. The volunteer student internship pool shall be established and approved by the Sheriff or his/her designee.
- B. A division commander or supervisor requesting a volunteer student intern must submit a memorandum through the chain of command indicating the division, hours, and duration of the intended assignment, as well as a brief description of the work, and any special background or education requirements. The request should be submitted to the appropriate bureau chief within ninety (90) days of the anticipated start of volunteer intern service.
- C. All volunteer student interns must pass an extensive background investigation that may include such screening mechanisms as polygraph examination.
- D. All volunteer student interns (or guardian, if appropriate) will be required to sign a confidentiality agreement and statement outlining the use of information associated with criminal investigations and other work conducted by the Bernalillo County Sheriff's Department.
- E. All volunteer student interns (or guardian, if appropriate) will be required to sign a waiver of liability relating to any accidents or injuries that may occur while performing their work in the Voluntary Student Internship Program. The standard Voluntary Student Internship Program Waiver of Liability shall clearly and expressly state that medical treatment will not be provided for duty-related personal injury and the intern will not be eligible for Workers Compensation or any other benefits.
- F. In the event of injury or damage to county property by a voluntary student intern, normal first line of reporting to the chain of command and Risk Management shall be followed.
- G. A Program Outline and Agreement must be signed by the volunteer student intern and approved by the appropriate Bureau Chief before commencement of volunteer intern services begin. The Program Outline and Agreement shall be a standardized agreement that outlines the specific goals of the internship, to include

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division assignment, duration of the internship, description of work to be performed, as well as any other special background or educational requirements relevant to the designed internship.

- H. A volunteer student intern's preference of assignment will be honored if possible, but the final decision will be made by the division commander or his/her designee.
- I. Volunteer student interns may be assigned a host of support clerical duties, such as division reception desk duties, crime prevention, records, and supply, as well as other duties at the request of assigned division or based on the unique abilities of the individual volunteer.
- J. The commander of the division to which a volunteer is assigned will be responsible for all administrative matters pertaining to the student intern. The division commander will be responsible for any reporting to the sponsoring institution and/or initiating action when the services of a volunteer are terminated. This includes notification of Headquarters for separation processing information when an intern resigns, is terminated from, or completes the program.
- K. A voluntary student intern will normally not be required to work in excess of an eight hour day. However, when required to do so, the intern will receive due program credit toward the particular program goals by which the intern has been assigned.
- L. Duty manuals for all divisions participating in the Volunteer Student Intern Program. All volunteer student interns will be provided a duty manual that shall include a section on duties and responsibilities of the volunteer student intern(s) and designate the commander/supervisor having administrative responsibility for the intern(s).
- M. Application for full-time employment with the Bernalillo County Sheriff's Department that may occur following completion of successful service in the Volunteer Student Intern Program shall be made following normal procedures for application to regular civilian status.

251-2

**STUDENT INTERN MINIMUM QUALIFICATIONS:**

- A. An applicant for student intern must be at least 15 years of age and currently enrolled in high school, a college or university.
- B. The volunteer student intern (or guardian, if appropriate) must be willing to sign an Authorization for Release of Information form authorizing the Bernalillo County Sheriff's Department to conduct a background investigation that includes, but is not necessarily limited to driver's history, criminal arrest and conviction, references, and former employer checks. The student intern must not possess a record of criminal arrest or

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conviction.

- C. The volunteer student intern (or guardian, if appropriate) must be willing to sign a confidentiality agreement and statement outlining the use of information associated with criminal investigations and other work conducted by the Bernalillo County Sheriff's Department.
- D. The volunteer student intern (or guardian, if appropriate) must be willing to sign a waiver of liability relating to any accidents or injuries that may occur while performing their work in the Voluntary Student Internship Program.
- E. The volunteer student intern (or guardian, if appropriate) must be willing to sign and adhere to a standardized agreement that outlines the specific goals of the internship, to include division assignment, duration of the internship, description of work to be performed, as well as any other special background or educational requirements relevant to the designed internship.
- F. The student intern must be in good academic standing with the sponsoring institution.
- G. The student intern must possess an ability to gain a comprehensive understanding of the policies and procedures of the Bernalillo County Sheriff's Department.
- H. The student intern must possess excellent verbal, written, and organizational skills.
- I. The student intern must possess an ability to positively interact and communicate effectively with the community, other law enforcement personnel, prosecutors, and other judicial officials or government employees.
- J. The student intern must be of sound moral, ethical, and professional character and possess an ability to maintain a degree of conduct in accordance with departmental policy and procedures.
- K. The student intern must possess the ability to comply with the safety personnel guidelines of the County of Bernalillo.
- L. The student intern must provide their own transportation and parking to their assigned workstation.

**GENREAL VOLUNTEER STUDENT INTERN RULES AND REGULATIONS**

- A. Volunteer student interns are not commissioned with sworn status and should not, under any circumstances, take any enforcement action or perform any of the routine duties of a sworn member of the department.

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- B. Volunteer student interns will keep their assigned schedule unless previous arrangements have been made with immediate supervisors.
- C. Volunteer student interns will respect the function of the Department's paid staff and contribute fully to maintaining a smooth working relationship between themselves and full time staff.
- D. Volunteer student interns will carry out assignments and seek the assistance of their designated supervisor when necessary. Volunteer student interns will consult with their assigned supervisor before assuming any new responsibilities affecting the Department.
- E. Volunteer student interns will respect and accept the Department's right to dismiss any volunteer student intern for such reasons as poor performance, poor attendance, or unwillingness to accept direction, and inability to interact in a positive manner with staff.
- F. Volunteer student interns will remain aware that they represent the Bernalillo County Sheriff's Department and shall treat the official business of this organization as professional and confidential.
- G. Volunteer student interns will NOT report to duty under the influence of alcohol or any mood-altering drug (prescribed or otherwise).
- H. The volunteer student intern will be required to turn in all assigned department equipment and identification upon completion of their agreed upon internship tenure.

Effective date: May 22, 2012

Effective date: May 22, 2012



Effective date: January 21, 2016

### **300 EMERGENCY VEHICLES**

The Department shall properly maintain, inspect, and issue all Department vehicles, and shall maintain an appropriate code of conduct for the use of these vehicles. Only authorized personnel of this Department will operate a county owned/issued vehicle.

#### **DEFINITIONS:**

##### **TAKE HOME VEHICLE**

A vehicle issued by the Sheriff for the purpose of completing assigned duties and tasks. This vehicle is accepted as issued equipment on a voluntary basis. Vehicle privileges can be revoked or suspended by the Sheriff.

##### **VEHICLE IN NEED OF REPAIR**

A vehicle which has an identifiable problem which is not consistent with that of a properly operating vehicle.

##### **OFFICIAL MARKING**

Any type of identifiable marking on the vehicle which would lend a person to believe that the vehicle is a law enforcement or government type of vehicle. (i.e., roof mounted light bar, Sheriff's star, grill/deck lighting, spotlights, antenna, striping, etc.)

##### **POOL VEHICLE**

A vehicle which has been temporarily assigned to an individual Deputy, while the primary vehicle is undergoing some type of authorized maintenance or repair.

#### **RULES AND PROCEDURES:**

##### **300-1 PREVENTIVE MAINTENANCE**

- A. All personnel participating in the take-home vehicle program will meet all scheduled maintenance appointments. There will be no type of compensation for this type of maintenance.
- B. All personnel will be responsible to ensure that the issued vehicle is properly maintained in good serviceable condition, both in appearance and mechanically. All needed repairs will be scheduled in a timely manner as not to cause additional damage to the vehicle.

##### **300-2 FUELING**

- A. Personnel shall use vehicle and operator computer cards when fueling vehicles at county facilities.

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- B. When fueling a pool car, utilize the vehicle computer card for that vehicle, not for your regularly assigned vehicle.
- C. Exceptions may include temporary fueling locations where a Department issued fueling card is being utilized or special programs which have been authorized or approved by the Division Commander.

**300-3 VEHICLES IN NEED OF REPAIR**

- A. When a vehicle breaks down or is in need of repair during a Deputy's duty shift, the on-duty supervisor will be notified immediately. The extent of the problem will be relayed to the supervisor.
- B. When a vehicle's condition makes its operation unsafe or will cause additional damage with continued use, the vehicle will be taken to the County Maintenance facility.
- C. When a vehicle is taken to the County Maintenance facility during non-operating hours, the Deputy will place on the dashboard of the vehicle the work order, detailing the work needed to facilitate the return of the vehicle to service. This section will be inclusive of all vehicles left at the County Maintenance facility for repairs.
- D. All personnel will ensure that a vehicle, if drivable, has a full tank of fuel prior to taking the vehicle in for repairs.

**300-4 SECURING DEPARTMENT ISSUED PROPERTY**

- A. Personnel will remove all Department issued property, including walkie-talkies, shotguns, handguns, etc., from their assigned vehicle when the vehicle is left at the maintenance facility.
- B. Personnel will be held responsible for the loss of any issued or personal property left unattended in the vehicle should they be found negligent.
- C. If personnel are incapacitated and are unable to secure their issued or personal property, it will be the on-scene supervisor's responsibility to ensure that the property is properly secured.

**300-5 CODE OF CONDUCT/OFF-DUTY**

- A. Personnel operating an assigned County-owned vehicle which bears official markings will be appropriately attired and have in possession the following equipment to effectively perform a law enforcement function, while at the same time presenting a favorable image:

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1. Badge
  2. Identification
  3. Issued and/or back-up firearm, with a reloading source
  4. Handcuffs
  5. Portable radio
- B. Personnel will wear appropriate attire while operating a County owned vehicle in an off-duty capacity. Appropriate attire is considered:
1. No political or offensive lettering, logos or pictures.
  2. Shirts are mandatory and they cannot be sleeveless.
  3. Closed toe shoes are required (e.g. tennis shoes, dress shoes). Flip flops, Crocs, sandals or any other such footwear is not authorized.
  4. Shorts are allowed to wear, provided:
    - a. They are a minimum of 7" inseam.
    - b. Are not torn, ripped, or cutoff.
  5. Hats are authorized, provided:
    - a. No political or offensive lettering, logos, or pictures are allowed.
    - b. Headbands, bandanas, dew rags, skull caps or any other such style headgear are not allowed.
    - c. Hats cannot be worn backwards, to the side, pushed back on the head or any other such fad style.
- C. Deputies operating a Department vehicle who are in civilian attire, are not relieved of the responsibility of taking appropriate law enforcement action when confronted with any traffic infraction. However, it is recommended that such action be limited to those violations that are blatant, or endanger public safety, where the infraction could be interpreted as negligence. When taking enforcement action under such circumstances, Deputies will:
1. Wear a recognizable Department jacket, identifying the wearer as a Deputy Sheriff, in and for Bernalillo County.

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- 2. For this purpose the uniform jacket and/or the authorized "raid jacket" will suffice.
  - 3. For court testimony, the listed jackets will be considered the uniform of the day.
  - 4. Display the issued badge.
  - 5. Possess their commission (identification) card, and make easily accessible for display, and present it to the violator, if requested.
- 300-6
- D. Vehicles which bear official markings, will not be used to frequent any bar, liquor establishment, or other premises which may bring discredit upon the Department or the County.
  - E. Operation of any Department vehicle whether officially marked or not, whenever the driver is incapacitated, drunk, or having been drinking to the extent as to be legally under the influence of an intoxicating liquor or drug, is strictly prohibited.

**VEHICLE USE/OFF-DUTY**

- A. Department issued vehicles may be utilized in an "off-duty" status.
  - B. The following uses of a Department vehicle while in an "off-duty" status are prohibited:
    - 1. Personal gain
    - 2. Private enterprise
    - 3. Hauling heavy or bulky articles.
    - 4. For any purpose, or to any place/activity, which might tend to bring embarrassment to, or discredit, the Department.
  - C. In the event that an "On-Call" Deputy is summoned to duty that has passengers in the vehicle, all passengers will be deposited at a safe location and then respond to the call in a safe and expedient manner.
- 300-7

**VEHICLE USE/GENERAL**

- A. Department personnel will comply with all traffic regulations and laws while operating a county owned or issued vehicle.
- B. Department personnel will operate the vehicle in a professional manner as not to bring discredit or embarrassment upon the Department.

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- C. All personnel shall wear a seat belt and/or shoulder harness while occupying a Department vehicle, regardless of seating position or duty status.
- D. No one will alter or add equipment to any County owned vehicle without the expressed permission of the Support Services Division Commander.
- E. Whenever Department personnel have an issued Department vehicle, and is on leave status for more than five (5) consecutive working days, they shall leave their vehicle at an area designated by the concerned Deputy's Division Commander. Division Commanders and higher ranking sworn personnel will conform to this section by contacting their superiors for vehicle disposition.
- F. There will be absolutely no type of tobacco use in county owned vehicles (i.e., cigarettes, cigars, chewing tobacco, and snuff).

Effective date: January 21, 2016

Effective date: January 21, 2016

Effective date: February 12, 2014

**301      VEHICLE OPERATIONS**

When Deputies are responding to a call for service or are in pursuit of an actual or suspected law violator, they will exercise due regard for the safety of all persons and property.

When responding to an emergency call, or when in pursuit of an actual or suspected law violator, Deputies are authorized to exercise the special privilege of NMSA 1978, (66-7-6). This section neither relieves the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

**DEFINITIONS:**

**RESPONSE CODES**

- A. Non-Emergency Response: Calls are non-emergency in nature, and the response should be in accordance with all traffic regulations without use of emergency equipment.
- B. Emergency Response/Code: Calls are life threatening in nature, or meet any of the other criteria for an Emergency Response, and response will be with full emergency equipment in operation.

**AUTHORIZED EMERGENCY VEHICLE**

A police vehicle assigned to Deputies who are performing law enforcement services.

**AUTHORIZED EMERGENCY EQUIPMENT**

That equipment on an authorized emergency vehicle, including but not limited to flashing / rotating, red / blue / clear, or amber lights. \*AN AUDIBLE SIREN IS MANDATORY\*

**RULES AND PROCEDURES:**

**301-1    RESPONSE CRITERIA**

- A. Emergency Response/Code
  - 1. Calls are life threatening in nature and/or a violent felony is being committed, the primary and secondary units dispatched may respond with full emergency equipment activated. A supervisor may authorize an emergency response/code to an in-progress felony call for service to prevent the likelihood of escape of an offender(s) and the protection of life and property. Additional units dispatched will respond in a non-emergency manner unless an emergency response/code is requested by units on-scene or is authorized by a



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supervisor. Primary and secondary units will downgrade to a non-emergency response when human life is determined to not be in danger or information indicates a violent felony is not occurring.

2. All units dispatched or authorized by a supervisor to respond to an "officer in trouble call" may respond with full emergency equipment activated.
3. A Deputy that is in a position to evaluate a situation may, at anytime, request that back-up units respond with full emergency equipment activated.
4. Deputies are reminded that they shall respond to emergency calls pursuant to the criteria described in State Law, 66-7-6, NMSA 1978, Authorized Emergency Vehicles. This section of state law does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor does it protect the Deputy from the consequences of their reckless disregard for the safety of others.
5. All personnel initiating an emergency response, will regardless of rank or position, notify radio at the earliest possible opportunity when conducting an emergency response/code.

B. Non-emergency Response

1. Non-emergency response will be utilized for all other calls for service.

**301-2 ESCORTS**

The Department shall, upon official request or assignment, provide escort services for dignitaries, funeral processions or other special events at the discretion of the Sheriff or his designee.

1. All escorts will be coordinated by the Traffic Unit Supervisor or Lieutenant. Each escort event will include a Tactical plan (Tac-Plan) outlining dates, times, routes and resources needed to complete the event.
2. Prior to all escorts, a briefing will be held to outline the route, speeds, hard post assignments and any other pertinent information needed to safely complete the escort.
3. Marked Units including department Motorcycles will be authorized to be involved in a moving escort. Slicktop or unmarked units may be utilized as a "lead car" or "tail car" for the procession.
4. Unmarked units may be used for hard-post intersection

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assignments provided that the Deputy is properly attired and prepared to direct traffic as listed in the Traffic Control/Direction portion of this manual.

5. Citizen requests for escort services (funerals, special events, oversized vehicles) will be directed to the Sheriff approval. The request must be made on the Departmental Service Request form.
6. Under no circumstance will Deputies escort a civilian vehicle to any location without prior approval. All citizens involved medical emergencies will be transported by ambulance or other certified rescue personnel. Deputies shall call for such transport after stabilizing the situation.

### **301-3 DEPUTY RESPONSIBILITIES**

- A. At any time emergency equipment is engaged, each Deputy utilizing emergency equipment will notify Communications when they initiate and terminate the operation of the equipment.
- B. Only those units that were dispatched will respond to the scene of the call for service. All other units within the immediate area will monitor the radio traffic so that they may be in an advantageous position to search for victim(s) or suspects, or assist the primary unit(s).
  1. Deputies assigned to other patrol areas will not leave their assigned patrol areas without authorization of their supervisors.
- C. The primary responsibility of Deputies responding to the location of a call for service, is the protection of human life. Should additional assistance be needed to secure the location, or assist in the investigation, the responding Deputy(s) may make such requests after they have arrived at the location and evaluated the situation.
- D. In NO case will a Deputy exceed the posted speed limit while traveling through a School Zone.
- E. No Deputy will be authorized to drive during hours of darkness without head lights being activated unless the possibility of doing so will place the Deputy in jeopardy.
- F. Under no circumstances will a Deputy provide an "escort" for any vehicle unless participating in a parade, etc.

### **301-4 SUPERVISORY RESPONSIBILITIES**

- A. Supervisors will have the authority to upgrade or downgrade responding units' response. This change in response should

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be based on information obtained from Communications or other personnel. All changes in response status will be confirmed with responding units by Communications.

- B. Supervisors may, at their discretion, respond to the scene of a call for service utilizing an appropriate response to ensure compliance with Department policies and procedures.
- C. Supervisors will evaluate and control the number of Deputies at an incident, a dispatched call for service, or a crime scene.

Effective date: November 25, 2014

### **302 VEHICLE PURSUITS**

A vehicular pursuit shall be initiated only when a Deputy has reasonable grounds to believe that the offender(s) have committed, or are attempting to commit a crime for which the necessity for immediate apprehension outweighs the level or danger created by the pursuit, the Deputy has a reasonable belief that the offender(s) has or is committing a violent felony, as listed in the Violent Felony section of this procedure.

Deputies involved in pursuits must continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit. At anytime during a pursuit when a Deputy or supervisor determines that the danger to the public or Deputy(s) outweighs the need for immediate apprehension, the Deputy will immediately discontinue the pursuit. The decision of a Deputy or supervisor to terminate a pursuit for safety considerations is not subject to discipline.

NMSA 1978 section (66-7-6) authorizes emergency vehicles to deviate from adherence to state traffic laws. This section does not relieve the driver of an authorized emergency vehicle from the duty to comply with all Departmental policies and to exercise prudence and judgment.

Pursuits will not be initiated or continued for any misdemeanor traffic violations or crimes.

#### **DEFINITIONS:**

##### **MOTOR VEHICLE PURSUIT**

A motor vehicle pursuit is an active attempt by a law enforcement officer, operating a Departmental vehicle, and utilizing all emergency equipment simultaneously, to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of the attempt and is resisting apprehension by increasing speed above the posted speed limit, disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics.

##### **INITIATING/PRIMARY UNIT**

The unit that initiates a pursuit or any other unit that assumes the lead position.

##### **MARKED UNIT**

A police vehicle equipped with a roof mounted light bar, siren, and authorized police vehicle insignia. These elements must be present for the vehicle to be considered a marked unit.

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**SUPERVISOR**

For the purpose of this section, "supervisor" will include only on-duty supervisors.

**VIOLENT FELONY**

Violent felonies for the purpose of this section include homicide, criminal sexual penetration, armed robbery, kidnapping/false imprisonment, felony aggravated battery inflicting great bodily harm and aggravated assault with a deadly weapon.

**RULES AND PROCEDURES:**

**302-1 INITIATING/PRIMARY PURSUIT**

- A. Engaging in a pursuit requires a conscious weighing of the risk of harm should the offender(s) escape against the risk of harm posed by the vehicle pursuit itself. As the pursuit progresses, the Deputies will evaluate the circumstances and any additional information that becomes apparent.
- B. Prior to making a decision to initiate a pursuit, the Deputy shall consider the following factors :
  - 1. The nature of the crime for which the pursuit is being initiated.
  - 2. The current driving behavior being exhibited by the offender(s).
  - 3. The time of day, road, weather, and vehicle conditions.
  - 4. The risk of the pursuit itself.
  - 5. The likelihood that the offender(s) could be apprehended otherwise.
  - 6. Knowledge of the offender(s) identity, possible destination, and previous activities.
  - 7. The risk of harm to others from the offender(s) escape.
  - 8. Any other factors that bear on weighing the risk of continuing the pursuit against the risk of injury or death to any person from the pursuit. There must be a greater than reasonable need to apprehend the suspect.
- C. Prior to engaging any emergency equipment to effect the stopping of a vehicle, the Deputy should attempt to note the license plate number and the vehicle description.
- D. Deputies initiating a pursuit shall immediately notify Communications that a pursuit is in progress, giving the

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following information if possible:

1. Reason for the pursuit.
  2. Present location and direction of travel.
  3. Vehicle speeds involved in the pursuit.
  4. Description of vehicle and occupants.
  5. Number of occupants in the offender(s) vehicle.
  6. Any safety factors that need to be noted.
  7. If a hostage is involved, this fact, along with a description and the exact location of the hostage inside the vehicle, if known.
  8. Under no circumstances will Deputies pursue in a school zone.
  9. Any additional information requested by the supervisor.
- E. The primary Deputy is responsible for broadcasting the progress of the pursuit until relieved by an assisting unit at which time the assisting unit shall assume that responsibility.
- F. Deputies shall not become involved in another law enforcement agency's pursuit unless authorized by a supervisor. Those Deputies that do become involved in a pursuit of this nature will comply with the "Jurisdictional Issues" section of this manual.
- G. If aerial assistance is available, and has joined the pursuit, all units will discontinue high speed pursuit. The responding units will then be utilized to tactically apprehend the offender(s), at the direction of the supervisor, utilizing the aerial support.
- H. Slick-top and unmarked units may initiate a pursuit if the unit is equipped with a siren and red/blue flashing lights. When a marked unit with a roof mounted light bar joins the pursuit, all slick-top and unmarked units will terminate the participation of the active pursuit. Slick-top and unmarked units will not join a pursuit in progress. If the initiating unit is unmarked or slick-top, they will continue to monitor the pursuit and respond to the termination point.
- I. Deputies with a prisoner(s) or ride-a-long in their vehicle will not initiate or join a pursuit.
- J. When the pursued vehicle is lost or the offender(s) abandon the vehicle and flee on foot, the primary or secondary unit shall broadcast necessary information to assist in a search

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or to return to normal operations. Should the primary Deputy become involved in a foot pursuit, the secondary unit or responding supervisor shall be responsible for coordinating the tactics utilized in the apprehension of the offender(s).

**302-2 ASSISTING/SECONDARY PURSUIT UNITS**

Assisting/secondary pursuit units shall:

- A. Engage all emergency equipment.
- B. Notify Communications section of their identity.
- C. Assume radio communications responsibility, allowing the primary unit to devote complete attention to pursuit.
- D. Deputies will not parallel or caravan a pursuit, however, Deputies may proceed into the area of a pursuit in an attempt to gain an advantage and to assist at the termination point of the pursuit. Assisting units may also be utilized in the stopping of the pursued vehicle.
- E. No more than two units will become actively involved in a pursuit, unless specifically authorized by a supervisor. Assisting Deputies will be alert to the progress of the pursuit and location.
- F. Deputies involved in a pursuit will not attempt to pass the primary unit unless instructed to by that unit or the primary unit is unable to continue.

**302-3 STOPPING OF PURSUED VEHICLES**

- A. Use of Mechanical Tire Deflation System
  - 1. The Bernalillo County Sheriff's Department shall utilize the issued mechanical tire deflation system as an acceptable method of terminating a pursuit. The decision to deploy this system shall be based on all information that is available to the Deputy. The actual deployment of the system will be based upon the authorization of a supervisor and within these guidelines.
- B. Deployment of the Mechanical Tire Deflation System
  - 1. Deployment shall be in accordance with training guidelines and the manufacturer's instructions.
  - 2. The system shall not be utilized to stop the following vehicles unless the continued movement of the pursued vehicle would result in a serious hazard to others.
    - a. Any vehicle known to be transporting a hazardous material as defined in NMSA 1978 section (66-1-4.8).

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- b. Any passenger bus, school bus, or van that is known to be transporting passengers.
  - 3. The mechanical tire deflation system shall not be used in locations where geographic configurations increase the risk of injury to the offender(s) or the public (i.e., on roadways bounded by steep descending or ascending embankments, on moderate to sharp curves, on bridges, or at any location where the safety of proceeding or opposing traffic conditions cannot be assured).
    - a. Deployment locations should have adequate sight distances in all directions to enable Deputies deploying the system to observe the pursuit and other traffic as it approaches.
    - b. The secondary unit should notify the deploying unit as to the conditions of the pursuit, which include: speed, offender vehicle condition, driving behavior, and any other pertinent information needed by the deployment unit.
    - c. The secondary unit should notify the deploying unit as far in advance as possible, to allow sufficient time for safe deployment at a predetermined location.
    - d. The deploying unit should not attempt to overtake a vehicle being pursued at high speeds in order to position the system for utilization.
    - e. At no time during the deployment of the system will a Deputy place himself in the direct path of a pursued vehicle that would constitute a safety risk for the Deputy.
    - f. It is recommended that Deputies utilize the patrol vehicle or other fixed structures or objects as a cover element in the event that a vehicle being pursued may endanger the safety of the deploying Deputy.
- C. Use of the Pursuit Intervention Technique

The Bernalillo County Sheriff's Department shall utilize the pursuit intervention technique as an acceptable method of terminating a pursuit. The decision to utilize the tactic shall be based upon the authorization of a supervisor and within these guidelines.

- 1. Utilization of the pursuit intervention technique will be in accordance with Departmental training guidelines. Deputies will be trained and certified in the use of this technique prior to its use.



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2. Authorization to use the technique will be requested by the unit that will be performing the technique, and must be authorized by the supervisor prior to use.
  3. The tactic shall not be utilized to stop the following vehicles unless **deadly force is authorized by the supervisor.**
    - a. Any vehicle known to be transporting a hazardous material as defined in NMSA 1978 section (66-1-4.8)
    - b. Any passenger bus, school bus, or van that is known to be transporting passengers.
    - c. **Any two (2) or three (3) wheeled vehicle.**
  4. Geographic configurations and road conditions should be considered to reduce the risk of injury to offender(s) or the public. The safety of the motoring public and pedestrians shall be a major consideration.
  5. The primary unit will advise the secondary unit that the P.I.T. is going to be used and to prepare for the high risk stop and containment.
  6. There will be a minimum of one assisting/secondary unit in a position to provide immediate response should a high-risk stop be needed. **It is recommended that two assisting/secondary units be used for the tactic.**
  7. Should the tactic be successful and the offending vehicle is stopped, high risk stop tactics will be used in all situations.
  8. The maximum speed for this tactic to be used will be thirty five (35) miles per hour. Should speeds go above 35 MPH, **deadly force must be authorized by the supervisor.**
  9. Other use of force tactics that are considered lower on the use of force model will be considered prior to using the P.I.T.
- D. Use of Deadly Force **during a pursuit**
1. Deputies will adhere to Department Policies on the use of deadly force.
  2. Deadly Force action is a last resort and, when used, a Deputy will strictly adhere to the Standard Operating Procedures guidelines in section 314.
  3. When deadly force is deemed necessary, a supervisor must give the authorization for its use.

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4. **When deadly force is authorized, only the department issued shotgun loaded with department issued slug, or authorized urban rifle is to be used. The only acceptable targets are the driver or engine block.**

#### **302-4 SUPERVISORY RESPONSIBILITIES**

- A. Supervisory responsibility will be with the initiating pursuit Deputies on-duty supervisor, or in the event that the on-duty supervisor is unavailable, any on-duty supervisor, up to the Watch Commander.
- B. Upon being notified of a pursuit, the supervisor shall:
  1. Assume management and control of the pursuit from the time of notification to the conclusion.
  2. Ensure the pursuit is in compliance with the guidelines established in this section.
  3. Ascertain if aerial assistance is available and coordinate the tactical apprehension if this support is available.
  4. Ensure that all affected public safety agencies are notified.
  5. Assist the Deputy/supervisor in charge of the pursuit with any necessary support requested.
  6. When warranted, terminate or direct the Communications section dispatcher to have Deputies terminate the pursuit.
  7. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle by the use of mechanical tire deflation system, or the direct use of deadly force.
  8. If a supervisor terminates a pursuit, that supervisor will instruct the pursuing Deputies to meet at a specified location. The supervisor will obtain all information regarding the pursuit from the Deputies involved.
  9. The supervisor in charge, who determines that the pursuit will be terminated, shall not have his judgment called into question.
- C. A supervisor will respond to the pursuit termination point and assume responsibility for any law enforcement action taken at the scene. Supervisors shall critique each pursuit action regarding adherence to Departmental policy.

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D. At the conclusion of the pursuit, the supervisor will:

1. Fill out the "Vehicle Pursuit Post Incident Review Form".
2. Forward the "Vehicle Pursuit Post Incident Review Form", to the Division Commander through the chain of command.
3. Provide copies of the "Vehicle Pursuit Post Incident Review Form", all incident reports and supplemental, an AVL Report for each unit involved, any other documents, and a cassette of radio transmissions of the pursuit to the Division Commander within 72 hours of the incident. The Division Commander will:
  - a. Review the pursuit to determine compliance with this SOP Section. The Division Commander may conduct a meeting with the supervisor or deputies involved in order to thoroughly review the pursuit.
  - b. Prepare a written report of the review and deliver it to the Sheriff through the chain of command within ten (10) working days of the incident.
  - c. Once the report is delivered to the Sheriff, the Sheriff, and the Command Staff will review the pursuit.
  - d. Annually, an analysis will be completed on these reports as well as a review of pursuit policies and pursuit reporting procedures.

E. Watch Commander/Section Supervisors of unit(s) involved in a pursuit shall hold a critique session, preferably during briefing, and discuss positive and negative aspects of the pursuit, and utilize this information as a training aide.

302-5

**COMMUNICATIONS RESPONSIBILITIES**

- A. When advised that a pursuit is in progress, the dispatcher and the Communications section shall;
1. Sound the alert tone.
  2. Immediately notify the concerned supervisor, inform him/her of the units involved, reason for the pursuit, speed, direction of travel, and any public safety concerns noted by the pursuing unit(s).
  3. Notify adjoining jurisdictions of any pursuit entering their jurisdiction, and provide them all pertinent information available.

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**JURISDICTION ISSUES**

- A. When a pursuit leaves the unincorporated areas of Bernalillo

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County the Deputy will terminate the pursuit if:

1. Directed to do so by a supervisor.
  2. Requested to do so by the jurisdictional agency.
  3. When proper communications become a safety issue.
- B. When a pursuit by another agency enters the county patrol area, the responsible supervisor will determine Department involvement or maintenance of the pursuit.
- C. When another public safety agency pursuit does not meet the standards of this Department's policy, active participation will be prohibited. Any type of assistance extended to a public safety agency will be given when formally requested by the agency involved and will be restricted to the following measures:
1. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit.
  2. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved.
  3. Containment and preservation of the location where a pursuit is terminated, if it is within the county service area.
- D. Every attempt will be made to assist the pursuing agency as resources and safety concerns allow. This assistance must remain within the guidelines of this policy.

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Effective date: April 4, 2014

### **303 EMERGENCY ROADBLOCKS**

The Department shall establish emergency roadblocks for incidents involving public safety, apprehending and searching for violent felony suspects or escapees, and apprehending a fleeing, dangerous felony suspect.

#### **DEFINITIONS:**

##### **EMERGENCY ROADBLOCK**

Emergency Roadblocks are deliberate obstructions of vehicular and/or pedestrian traffic by physical means at one or more selected points on a roadway.

#### **RULES AND PROCEDURES:**

##### **303-1 EMERGENCY ROADBLOCK/GENERAL USE**

- A. Emergency roadblocks may be established at accident, fire, rescue, and unusual occurrence incidents.
- B. An emergency roadblock will be established to:
  - 1. Safely detour or stop vehicular or pedestrian traffic.
  - 2. Ensure safety to persons and property.
  - 3. Establish critical incident perimeters.
  - 4. Identify and gather information from possible witnesses
- C. Deputies should be uniformed, and vehicles should be highly visible and marked.
- D. The use of emergency equipment, warning lights, stop signs, and roadway cones are advisable to provide clear visibility for approaching motorists.
- E. The average length of time that a motorist is detained at the roadblock and the degree of intrusiveness should be minimized.
- F. All emergency roadblocks will be established only when specifically directed by a supervisor.

##### **303-2 EMERGENCY ROADBLOCK/SITE SELECTION**

- A. Selection of roadblock locations should:
  - 1. Be based on the best use of available manpower.
  - 2. Be located where geographic configurations decrease the risk of injury to the public and Department

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personnel.

3. Have adequate sight distances in all directions to enable Deputies to observe traffic safely as it approaches.

### **303-3 EMERGENCY ROADBLOCK/FUGITIVE**

- A. An emergency roadblock may be utilized for the purpose of searching for a suspect involved in a violent felony, or an escapee.
- B. The official nature of the roadblock should be immediately apparent.
- C. A visual search of all occupants and all spaces in the vehicle which could conceal the fugitive should be checked.
- D. Deputies will detain vehicles and persons attempting to circumvent the roadblock.
- E. A log will be maintained on the identity of all vehicle occupants, description of vehicle, and license plate number.

### **303-4 EMERGENCY ROADBLOCK/VEHICULAR PURSUIT**

- A. Deputies will establish emergency roadblocks at intersections and designated strategic locations to allow unrestricted and safe passage of vehicles involved in a pursuit.
- B. The use of an emergency roadblock for the purpose of stopping a pursued vehicle shall be used as a last resort.
- C. Deputies who utilize a patrol vehicle as the primary obstruction to stop a pursued vehicle shall not remain inside or in close proximity to the vehicle.
- D. An alternate route for the suspect's vehicle to avoid a collision shall be present at the scene of the roadblock.

### **303-5 SELECTIVE ENFORCEMENT ROADBLOCK**

- A. The Traffic Unit will be tasked with operating roadblocks for the purpose of selective traffic enforcement. The following are examples of traffic enforcement efforts:
  1. Sobriety Checkpoint
  2. Drivers License
  3. Registration
  4. Financial Responsibility
- B. Deputies performing official duties at a selective enforcement



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roadblock will wear reflective traffic vests and utilize a flashlight in the hours of darkness.

- C. The selection for the location and procedures for conducting these roadblocks will be established by supervisory personnel.
- D. Selection for the site of a sobriety checkpoint will be made through the use of a traffic analysis that determines the locations impacted by high alcohol related accidents and incidents.
- E. All Emergency Roadblock General Use and Site Selection considerations will be applicable to Selective Enforcement roadblocks.

**303-6 SUPERVISOR RESPONSIBILITIES**

Ensure that all above listed criteria are adhered to and that all incidents where there is the Use of Emergency Roadblocks be documented in a written report. The report will be reviewed by the appropriate division commander.

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### **304 TRAFFIC AND ROADWAY SERVICES**

The Department shall ensure that appropriate action is taken in a safe and timely manner in all cases where the Department is asked to provide general or emergency assistance to motorists, where it provides public information or directions, and where roadway and roadside hazards are reported to the Department or its personnel or are observed by a Deputy or Community Service Aide.

#### **RULES AND PROCEDURES:**

#### **304-1 GENERAL ASSISTANCE TO MOTORISTS**

- A. Deputies and Community Service Aides will reasonably attempt to provide assistance to motorists in need of mechanical assistance, i.e., provide jumper cables (if available), etc. Deputies will not attempt to push start vehicles.
- B. Deputies and Community Service Aides will summon the On-Call wrecker at the request of the motorist, after explaining that the motorist is responsible for all towing charges.
- C. Unless necessary to retrieve a child or an animal locked in a vehicle, Deputies will not attempt to unlock vehicles using "slim jim" or other unlocking devices. Deputies may summon a locksmith (at the motorist's request) or call a third party when extra keys are available.

#### **304-2 STRANDED MOTORISTS**

- A. When requested by a stranded motorist, Deputies and C.S.A.s may transport the motorist to the nearest service station for fuel. When work load conditions permit, and when no undue delay is anticipated, the motorist may be returned to the vehicle.
- B. Motorists requesting assistance regarding shelter services will be referred to the appropriate agency.

#### **304-3 HAZARDOUS HIGHWAY/ROADWAY CONDITIONS**

- A. Types of hazardous highway/roadway conditions that require corrective actions are:
  - 1. Debris in the roadway.
  - 2. Defects in the roadway itself.
  - 3. Lack of, or defects in, highway safety features (e.g., impact attenuation devices, reflectors).
  - 4. Lack of, improper, visually obstructed, defective, or

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down or damaged roadway lighting systems; mechanical traffic control devices and/or traffic control or informational signs.

5. Other roadside hazards, including vehicles parked or abandoned on or near the roadway.
- B. Appropriate action to be taken upon noticing or being advised of a traffic hazard:
1. The Deputy or C.S.A. will contact the appropriate county or state Department.
  2. If warning lights are necessary, the Deputy or C.S.A. will contact county Public Works Department to have warning barricades/lights dispatched. This can be effected through the Communications Center.
  3. If barricades or warning lights are necessary, the Deputy or C.S.A. shall remain at the scene to alert motorists and provide traffic direction when necessary, until the condition has been corrected and/or the warning lights or barricades have been placed at the location.
  4. Non-uniformed Deputies in unmarked vehicles will call for a uniformed Deputy or C.S.A. with a marked vehicle.
  5. Vehicles found parked or abandoned, on or near the roadway, will be handled as outlined in the towing of vehicles section of this manual.

**304-4 CLOSURE OF INTERSTATE HIGHWAYS**

- A. The on-scene supervisor will notify Communications whenever an interstate highway is closed, advising the location of the closure, the reason for the closure, and the expected length of the closure, if possible. Communications will notify the State Police office in Santa Fe, N.M.

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### **305 TRAFFIC ENFORCEMENT**

The Department shall enforce traffic and misdemeanor laws of the State of New Mexico utilizing traffic and misdemeanor citations whenever appropriate: and enforce all applicable traffic statutes or ordinances, except where prohibited by law or treaty, regardless of the alleged offender's location of residency, age, occupation, national origin, military or legislative service, or other factors.

Deputies will cognizant of special privileges afforded to foreign diplomats when enforcing traffic and misdemeanor laws.

- A. Under the guidelines of the United States Department of State, Foreign Diplomats have immunity concerning County Ordinances and State and Federal laws, Foreign Diplomats will be dealt with on an individual basis. They shall not be placed under arrest and it will be the Deputies responsibility to contact their Supervisor, and inform them of any violations committed by Diplomats.
- B. It will be the responsibility of the Field Supervisor to contact the Diplomat's respective Foreign Consulate and the Bernalillo County District Attorney's Office for further guidance.

### **RULES AND PROCEDURES:**

#### **305-1 TRAFFIC VIOLATIONS/ARREST**

- A. Deputies will not physically arrest for traffic violations unless the violation requires mandatory appearance as prescribed by state law in Section 66-8-122 NMSA 1978 when:
  - 1. The person requests an immediate appearance before the court.
  - 2. The person is charged with driving while under the influence of an intoxicating liquor or drugs.
  - 3. The person is charged with failure to stop in the event of an accident causing death, personal injuries, or damage to property.
  - 4. The person is charged with reckless driving, or is involved in a vehicular pursuit where charges of resisting or obstructing are applicable.
  - 5. The arresting Deputy has probable cause to believe the person arrested has committed a felony offense.
  - 6. The person refuses to give his/her written promise to appear in court or acknowledge receipt of a warning notice.

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7. The person is charged with driving when his/her privilege to do so was suspended or revoked for failure to take a breath test or for a breath test of .08 BAC or above pursuant to Section 66-8-111 NMSA 1978; or the person's driving privileges are suspended or revoked for a conviction of driving while under the influence of an intoxicating liquor or drugs pursuant to Section 66-8-102 NMSA 1978.

**305-2 ENFORCEMENT OF SPEED LAWS/USE OF RADAR**

- A. The following are the recommended guidelines for the enforcement action to be taken with regard to violators of speeding statutes:
  1. 1 to 7 mph (over posted limit) - Written/Verbal Warning.
  2. 8 to 14 mph (over posted limit) - Citation/Written Warning
  3. 15 mph and over (over posted limit) - Citation.
- B. The following are policies regarding the use of radar:
  1. Radar equipment should not be used on main roadways during moderate to peak traffic periods.
  2. Violation readings resulting in enforcement action should remain in the locked position until contact with the violator is suspended. Violators shall be afforded an opportunity to examine and be briefed on the operation of the equipment.
  3. Supervisors will determine location, periods of operation, number of deputies involved in any radar operation.
  4. Care will be taken to avoid danger from traffic flow when stopping violators, and to have violators park away from the traffic flow.
  5. Certification to operate radar units is mandatory.
- C. Radar units with built-in and/or tuning fork calibration will be checked hourly, while in operation.
  1. Units which do not perform to manufacturer's accuracy standards will be taken out of service until repaired.
- D. Radar units will not be operated within 300 feet of any speed limit sign, except posted school zones.

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**305-3 UNIFORM TRAFFIC CITATIONS**

- A. Deputies will utilize the New Mexico Uniform Traffic Citation, when charging a person with a moving violation as defined in state statutes as follows:
  - 1. Deputies issuing a notice to appear in court citation, penalty assessment citation, or warning citation will:
    - a. Complete all information requested on the citation that is available.
    - b. Have the violator sign the appropriate acknowledgement.
    - c. Provide the violator a copy (bottom-blue border) of the citation.
    - d. Will not accept payment of a penalty assessment.
    - e. Issue a notice to appear if the violator declines to accept a penalty assessment notice.
    - f. Release violator in a timely manner.
- B. Pursuant to state law section 66-8-123E, NMSA 1978, any Deputy violating the rules of this section is guilty of misconduct in office and is subject to removal.
- C. Deputies will advise all drivers that non-compliance with the terms of the citation may result in a suspension of their drivers license. A suspension for non-compliance remains in effect until sufficient proof of compliance is met.
- D. If violators refuse to sign a citation, they will be booked and the citation marked "booked".
- E. When a violator is found to have an outstanding warrant, the violator will be booked on the warrant and allowed to sign the traffic citation.
- F. Deputies are required to submit a State of New Mexico Complaint form when booking traffic violators. The form will meet all requirements prior to submission.
- G. A Deputy who observes a traffic violation while out of uniform will not call a uniformed Deputy, who has not observed the violation, to the scene to issue a traffic citation (Refer to N.M. Statutes 66-8-124, case law, limitation on arresting power of non-uniformed Deputy).

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- H. Multiple Violations: Deputies may issue citations for any offenses they observe or determine as the result of an investigation or traffic stop, and may issue citations for multiple violations per incident, at their discretion.
- I. Newly Enacted Laws and Regulations: Deputies shall familiarize themselves with, and have a working knowledge of all laws of the State of New Mexico and ordinance of Bernalillo County which they are required to enforce. Deputies are given discretion to determine the violator's level of awareness of the newly enacted law in determining the appropriate enforcement action.
- J. Violations Resulting in Traffic Accidents: Deputies shall have discretion in determining the appropriate enforcement action when through observation and investigation they encounter violations that resulted in the occurrence of a traffic accident not involving death or great bodily harm. When accidents involving death or great bodily harm are encountered, deputies will utilize the Traffic Unit to ensure proper charges are filed.
- K. Pedestrian and Bicycle Violations: Deputies shall have discretion in determining the appropriate enforcement action when encountering violations incurred by pedestrian and bicycle operators in accordance with applicable State Statutes and County Ordinances.

**305-4 PRIVATE PROPERTY**

- A. Issuing traffic citations on private property is limited to the following offenses:
  - 1. Driving while intoxicated.
  - 2. Reckless driving.
  - 3. Leaving the scene of an accident.

**305-5 PROTECTED/ARMORED VEHICLES**

- A. The driver will present their license by either holding it up to the glass or passing it out the gun port to the Deputy.
- B. The Deputy will obtain the needed information for the citation.
- C. The citation will be delivered to the Metro Liaison Unit and held for three working days for the driver's signature. The driver should be instructed to respond to the Liaison Unit to sign the citation.
- D. If the driver fails to sign the citation within the time allotted, the company will be notified and the citation

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returned to the issuing Deputy for further action.

**305-6 OFF-DUTY ENFORCEMENT**

- A. Off-duty Deputies may enforce traffic laws under the following conditions:
  - 1. Deputies must be in a Sheriff's Department vehicle equipped with emergency equipment to stop a violator.
  - 2. Deputies, upon stopping a violator, will put on their utility uniform jacket, "raid jacket", or approved uniform jacket.
  - 3. If a citation is issued by an off-duty Deputy, the citation will be transferred by the Deputy to an on-duty Deputy or on-duty supervisor.

**305-7 ISSUING A CITATION**

- A. All traffic citations books will be securely stored in the provided locked storage closets and locked file cabinets until issued. The citation books will be issued by the sergeant or administrative staff to the deputy and the issuing person will sign them out in the citation log book by recording the series of numbers associated with that citation book and the deputy's name the citations were issued to.
- B. Citations will be accounted for by an annual audit conducted by the Field Services Commander or his designee. The audit will consist of randomly selecting citation numbers from the citation logs and accounting for those citations (determine if the citation has been issued, voided, or is still in the deputies possession waiting to be issued). If any discrepancies are found they will be addressed by the Field Services Commander.
- C. Deputies will use black ink to fill in all appropriate spaces on the face of the citation, however, violators are not required to provide social security numbers.
- D. Deputies will not mark out or write over information on the face of a citation, but instead will void the citation and issue a corrected one in its place.
- E. Deputies will turn in copies of issued and/or voided citations to a supervisor at the end of their shift. The shift supervisor is responsible for then taking the citations to the secure lock box and depositing them into the secure DA/Metro Liaison box located at the John Price Law Enforcement Center.
- F. When a Traffic Citation is to be voided, the following procedures shall be followed:

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1. All copies, including the violators', shall be turned in together (stapled) with the word "VOID" written across the citation.
2. On the citation, the voiding Deputy shall write a brief explanation for the action and then initial it.
3. If all copies of the citation are not available, a memo explaining the circumstances of the voided citation from the issuing Deputy will be attached to the remaining copies. The memo and copies will then be forwarded to the Department's Metro Court Liaison.

**305-8 NOTICE OF DISCOVERY**

- A. Pursuant to Metro Court Rule 7-504, a Notice of Discovery form is to be completed and distributed to an individual arrested on a charges to be heard at Metro Court. The forms are in triplicate with distribution notations in red at the bottom of the form.

**305-9 ISSUE OF SUMMONS**

- A. There are three (3) distinct ways a Deputy may issue of summons for a misdemeanor.
  1. To any person(s) he/she has probable cause for believing has committed the crime of assault or battery as defined in Section 30-3-1 through 30-3-5 NMSA 1978, public affray, shoplifting, or a misdemeanor infraction as a result of a traffic accident investigation (known as the five exceptions). However, a summons will never be issued for DWI when transporting to the jail is an option.
  2. For a misdemeanor or traffic violation committed in the Deputy's presence:
  3. For any misdemeanor witnessed or not, for which a statement has been obtained from the complainant, and for which an attempt has been made to obtain a statement from the suspect, which has been approved by the Deputy's immediate supervisor.
    - a. Number three (3) is predicated on the District Attorney's representations that such issuance is not a violation of constitutional rights. The District Attorneys represents that a summons is not equivalent to the arrest because jeopardy does not attach, and the suspect is allowed a hearing before an impartial third party.

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### **306 INTERSTATE CRIMINAL ENFORCEMENT TEAM (ICET)**

The Department shall provide highly trained and specialized personnel to be responsible to patrol the major highways that run through Bernalillo County. It is expected that deputies assigned to this unit, through enforcement of the State Criminal and Traffic Code, will strive to accomplish the following; deter criminal behavior, address traffic violations, ensure the safety of the general motoring public on the Interstates, and alleviate calls for service from patrol deputies when received in the area of the interstate they are patrolling.

#### **RULES AND PROCEDURES**

##### **306-1 DUTIES AND RESPONSIBILITIES**

- A. Deputies assigned to the Interstate Criminal Enforcement Team will be responsible for addressing all criminal and non-criminal activity taking place on the Interstates, including but not limited to the following:
  - 1. Enforcement of the traffic code.
  - 2. Driving While Impaired (DWI) investigations.
  - 3. Motor vehicle crash investigations.
  - 4. Contraband smuggling (humans, narcotics, animals, produce, pirated media, monies generated from illegal activity, etc.)
  - 5. Locating and arresting of wanted fugitives.
  - 6. Location and recovery of missing/endangered persons encountered during interstate criminal enforcement patrols.
  - 7. Motorist assists.
  - 8. Deputies assigned to the ICET will also be responsible for handling any other calls for service that are received in the area they are working.
- B. ICET deputies, while initiating traffic stops, will be in an appropriate, readily identifiable BCSD uniform.

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- C. ICET deputies will take appropriate enforcement action when violations are encountered.
- D. ICET deputies may assist patrol deputies with cases generated on the Interstates. They may be requested via the patrol deputy's supervisor through the canine unit supervisor.
- E. ICET deputies will complete case files for felonious crimes taking place on the Interstates. This includes supp-outs from cases generated by patrol deputies.
- F. ICET deputies will ensure a successful prosecution by having accurate and complete cases. Deputies will work with prosecuting attorneys as necessary to effect a professional image with the courts.
- G. ICET deputies will be responsible for maintaining and following guidelines of applicable current case law.
- H. ICET deputies will maintain a monthly activity log.

#### **306-2 CHAIN OF COMMAND**

- A. The Interstate Criminal Enforcement Team will fall under the following chain of command:
  - 1. Field Services Division Commander
  - 2. Special Operation Commander
  - 3. Supervisor - Canine (K9) Unit patrol Sergeant

#### **306-3 ICET SUPERVISOR RESPONSIBILITIES**

- A. Conduct an accurate assessment of ICET Deputies job performance.
- B. Review and approve all investigative reports, which are prepared and submitted by ICE-T Deputies.
- C. Review and maintain ICET Daily Activity Logs.
- D. Supervision of ICET Deputies when on-duty and available.
- E. Follow and ensure ICET Deputies adhere to all established Department policies and Standard Operating Procedures.

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### **307 ALL TERRAIN VEHICLES**

The department shall utilize All Terrain Vehicles in the performance of patrol duties that are not accessible by regular patrol vehicles, as well as for special events as deemed appropriate.

#### **DEFINITIONS:**

##### **A.T.V. /ALL TERRAIN VEHICLE**

Special use motor vehicle that is primary used for off road applications.

#### **RULES AND PROCEDURES:**

##### **307-1 A.T.V. USE**

- A. Use of A.T.V.s will be restricted to Deputies who have attended a Department recognized training class.
- B. A.T.V.s may be used in any area command where the Area Commander has identified a need for the type of specialized patrol, which they can provide. The locations and times of use will be at the direction of the Area Commander.
- C. Use of A.T.V.s is one of the area commands may also be permitted by the Field Services Commander or his designee in the absence of the Area Commander. Permission to use the A.T.V.s at special events will be allowed ONLY upon the approval of a Division Commander or higher authority.
- D. A standardized log will be kept for each A.T.V., and a complete record will be maintained of the following:
  - 1. Date of use
  - 2. Driver
  - 3. Area Commander/location of use
  - 4. Fuel or oil use
  - 5. Damage or needed service or repairs
  - 6. Total hours of use during shift
  - 7. Objectives of assignment and activities performed
- E. At the conclusion of each use during a shift, the A.T.V. will be refueled and readied for use by the next rider. If any problems are observed, they will be noted and an indication made on the A.T.V. if it will not be safe to use before service or repair.

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- F. If the A.T.V. is taken out of service, the last user will be responsible that is noted on the A.T.V. log, and the Field Services Commander is notified as soon as possible. A.T.V. operators should refer to the owner's manual for proper instruction on cleaning and maintenance.
- G. The A.T.V.s will be serviced at the county maintenance facility. All servicing will be completed at the intervals required by the vehicle service manual.
- H. All operation of the A.T.V.s will be in pairs. No solo riding will be permitted.
- I. The A.T.V.s will not be used at night for general patrol purposes. If emergency conditions exist, their use may be authorized if the situation deems necessary.
- J. The A.T.V.s will not be utilized in the pursuit of another vehicle of any type, however, they may be used to assist in foot pursuits.
- K. A.T.V.s may be used on roadways and highways designed for regular vehicular traffic only when necessary to reach an adjacent patrol area which is not accessible by other means.
- L. Deputies using A.T.V. will not be dispatched to handle normal calls for service without prior approval of an on-duty supervisor.
- M. Two pool cars will be maintained at the shop facility to tow the A.T.V.s if available. The A.T.V.s will be stored at a separate facility. Deputies assigned to use the A.T.V.'s will pick up the assigned pool vehicle and then proceed to the facility where the A.T.V.s are stored. The trailer will be attached to the vehicle and the A.T.V. loaded on the trailer. The A.T.V. and trailer should be inspected for safety and readiness, and any damage or problems identified. Return of the equipment should be in the reverse order, with the A.T.V.s being unloaded from the trailers and stored after cleaning.
- N. The A.T.V.s should be towed to the specific location, and the pool vehicle and trailer secured. A safe location must be selected to avoid damage or vandalism. The pool vehicles must be maintained with the same care and cleaning as the A.T.V.s.

**307-2 UNIFORMS**

- A. The wearing of approved uniforms in Section 236.00 of this manual are authorized.
- B. Eye protection and helmet will be mandatory while operating the A.T.V.s.

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### **308 HAZARDOUS MATERIALS**

The Department shall respond to hazardous material incidents and provide a maximum amount of safety to Deputies and citizens.

#### **DEFINITIONS:**

##### **HAZARDOUS MATERIALS**

Those substances which in quantity or form, constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.

#### **RULES AND PROCEDURES:**

##### **308-1 INITIAL RESPONSE**

- A. The Emergency Management Act (74-4B-1, NMSA 1978) designates the New Mexico State Police as the agency responsible for central coordination and communication in all instances of hazardous material accidents.
- B. Duties of the dispatched Deputy:
  1. From a safe distance, assess the situation by observing Hazardous Material Placards, reviewing shipping papers, interviewing drivers/victims, and make an on-scene evaluation.
  2. When a hazardous condition exists, contact the N.M State Police district dispatcher and the Bernalillo County Fire Department via B.C.S.D. Communications.
  3. Establish a safe perimeter around the accident/incident scene using additional units as necessary for traffic/crowd control.
  4. Notify the field supervisor of the situation.
  5. Evacuate the areas that are in need of immediate attention. If evacuations are deemed necessary, a log will be maintained of evacuees, locations evacuated, and where the evacuees were directed and can be located.
  6. Supervisors will immediately respond to the incident location and assume control.

##### **308-2 HAZARDOUS MATERIALS/EXPLOSIVES**

If the hazardous material is identified as an explosive or an explosive device, the A.P.D./E.O.D. Unit will be notified.

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**308-3 DISPOSAL OF HAZARDOUS WASTE MATERIAL**

When Deputies come in contact with hazardous waste material (e.g., chemicals and solvents) that do not pose an immediate health hazard, the citizen will be instructed to contact the Bernalillo County Environmental Health Department at 505-314-0310.

**308-4 HAZARDOUS MATERIALS AS EVIDENCE**

- A. If any hazardous materials are needed for evidence, the Deputy shall contact Criminalistics for instructions and assistance in the proper handling and packaging for storage.
- B. Before tagging such items into Evidence, the Evidence supervisor shall be notified.

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**309 COMMUNICATIONS**

The Department shall coordinate the delivery of law enforcement services with requests from citizens and Department personnel utilizing radio, telephone, and digital communications equipment.

**RULES AND PROCEDURES:**

**309-1 USE OF EQUIPMENT**

- A. Sheriff's Department communications equipment is to be used for official business only, as follows:
  - 1. The approved "Ten Code" shall be used when transmitting.
  - 2. All references to time shall be in military (24 hour) time.
  - 3. Necessary language shall be short and relevant.
  - 4. When feasible, lengthy messages shall be given to the Communications Center by telephone, or on a non-dispatch channel.
  - 5. Personnel shall be impersonal on the air. Jokes, wisecracks, or voice inflections that reflect or indicate irritation, disgust or sarcasm shall not be used.
  - 6. Transmissions should not be acknowledged unless they are understood.

**309-2 UNIT LOCATION/RESPONSE**

- A. When any unit is called by the dispatcher, the unit will promptly respond with his unit number and location.
- B. Personnel equipped with a radio shall advise the dispatcher of their status (e.g., in-service, out-of-service, etc.).
- C. When using a radio in a mobile unit, personnel shall identify themselves by their assigned number.
- D. Personnel shall acknowledge all transmissions directed to them, and keep the dispatcher informed of all changes in status, including arrival at, and clearing the scene of a call.
- E. Personnel who leave their patrol vehicle, or other Department vehicle, shall notify the dispatcher of his location, and the fact that he will be using the walkie-talkie.

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**309-3 ALERT TONE**

Units will cease transmitting when an alert tone or a 10-3 is transmitted. The alert tone will be used for in-progress crimes, Deputy in trouble calls, Deputy involved in an accident with injuries, pursuits, or other serious incidents where the safety of a Deputy is in involved.

**309-4 ACTIVATION OF EMERGENCY BUTTON ON 800 MHz RADIOS**

- A. When an emergency button is activated by personnel from APD, AFD, BCSO, BCFD, both Communication Centers, City and County, receive those alerts.
- B. In the event of a false activation by Sheriff's Department Personnel:
  - 1. Communications will immediately request a "Code 900" (i.e. S.O. unit # Code 900) on the unit transmitting the emergency and immediately notify that unit's supervisor of the activation.
  - 2. If the activation is FALSE the Deputy will advise "ALL SAFE".
  - 3. If the Deputy advises anything other than "ALL SAFE", or does not respond, units will be sent, code three, to that Deputy's location or last known location, for assistance.
  - 4. If the "ALL SAFE" is not transmitted, supervisors will not override the dispatching of units to the Deputy's location.
- C. Occasionally, Sheriff's Department personnel may be dispatched to a fire department call to check the welfare of firefighters in the event that they do not transmit an "ALL SAFE", or if they request back up.
- D. Personnel should exercise extreme care to avoid activating the emergency feature of their radio.

**309-5 CALLS CONSIDERED OFFICIAL ORDERS**

All calls by the Communications Section will be considered official orders. Any questions in reference to such transmissions are subject to review only after the call has been responded to and handled. This does not limit a supervisor's authority to countermand a dispatch for justifiable cause.

**309-6 CURRENT STATUS**

- A. Personnel using any Department vehicle shall notify the Communications Center of their status.

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- B. Personnel using vehicles during off-duty time shall use the suffix (X-RAY) following their radio call number during initial contact with the Communications Center.

**309-7 REQUESTS BY OTHER AGENCIES**

- A. Requests for support services from outside law enforcement agencies will be handled as follows:
  - 1. Life threatening emergencies will be honored immediately.
  - 2. Non-emergency service requests will be honored if approved by the supervisor in the appropriate area command.

**309-8 COMMUNICATIONS CENTER**

- A. The Communications Center is a RESTRICTED AREA. The only personnel authorized access to the Communications Center are personnel assigned to the center.
- B. Unauthorized personnel shall not be permitted into the center without the permission of the Communications supervisor, watch/area Commander, or higher authority.
- C. Personnel assigned to the Communications Center shall constantly attempt to ensure that the noise level inside the center is held to a minimum.

**309-9 CITIZEN BAND RADIO USE**

- A. Deputies are authorized to use citizen band radios within the established F.C.C. Guidelines.
- B. Every user must be familiar with the Federal Communications Commission's rules and regulations for citizen band radio use.
- C. Every Deputy will conduct citizen band radio transmissions with professional demeanor.
- D. Citizens band radios will be installed in assigned vehicles in accordance with radio maintenance sections standards in reference to installations.

**309-10 PHONETIC ALPHABET**

- A. The phonetic alphabet shall be used for spelling out unusual names of persons and locations or where radio reception is poor. When spelling out a word, use only the phonetic alphabet;

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A.....ADAM	N.....NORA
B.....BOY	O.....OCEAN
C.....CHARLES	P.....PAUL
D.....DAVID	Q.....QUEEN
E.....EDWARD	R.....ROBERT
F.....FRANK	S.....SAM
G.....GEORGE	T.....TOM
H.....HENRY	U.....UNION
I.....IDA	V.....VICTOR
J.....JOHN	W.....WILLIAM
K.....KING	X.....X-RAY
L.....LINCOLN	Y.....YOUNG
M.....MARY	Z.....ZEBRA

B. The following are authorized terms and abbreviations for transmitting radio messages:

1. N.C.I.C. - National Crime Information Center.
2. O.M.I.- Office of the Medical Investigator.
3. S.O. - Sheriff's Office
4. P.D. - Police Department (specify city)
5. D.A. - District Attorney
6. F.M.O.- Fire Marshall's Office (specify jurisdiction.)

C. Additional terms and abbreviations are permitted provided that they are readily recognizable and are of an official nature.

**309-11 TEN CODE/CLEAR TEXT**

A. Whenever possible, "Clear Text" shall be adhered to when transmitting. Necessary language shall be short and relevant.

B. The following Ten Code will be utilized and authorized for Departmental use:

TEN CODE

10-3	Stop Transmitting
10-4	OK/Understood
10-6	Busy (non-dispatch activity)
10-8	In-Service
10-16	Prisoner in Custody
10-29	Warrant
10-32	Fight in Progress
10-39	Disturbance
10-40	Mental Patient



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- 10-48 Use Caution
- 10-54 Car Stop
- 10-56 Arrived On Scene
- 10-82 Cover/Assist
- 10-83 Deputy-Officer in Trouble

C. Calls for service received in the Communications Center will be prioritized under the following criteria:

**PRIORITY 1 - IMMEDIATE DISPATCH**

- 1. Homicides
- 2. Rape
- 3. Robbery (Armed & Strong-Arm)
- 4. Assaults & Weapons
- 5. Burglaries in Progress
- 6. Larcenies in Progress
- 7. Shootings
- 8. Stabbings
- 9. Domestic Disputes Involving Weapons
- 10. Fights Involving Weapons
- 11. Accidents with Injuries
- 12. Silent Alarms
- 13. Any other call where human life or property may be in immediate danger.
- 14. "Dead Body" Calls
- 15. Sex Offenses
- 16. Missing Children, Six or Younger
- 17. Hazardous Material Spills
- 18. Disaster Calls
- 19. Warrant (Wanted Person) Calls (Upon Proper Verification)

**PRIORITY 2 - TWENTY (20) MINUTE MAXIMUM DELAY**

- 1. Accidents Without Injuries
- 2. Audible Alarms
- 3. Auto Thefts
- 4. Assaults not involving weapons or any assault if delayed in reporting for an extended period of time.
- 5. Burglaries (Not in Progress)
- 6. Larcenies (Not in Progress)
- 7. Domestic Disputes (No Weapons)
- 8. Intoxicated/Disorderly
- 9. Suspicious Persons/Vehicles
- 10. Fight/Disturbance Not Involving Weapons
- 11. Prowler Calls
- 12. Shoplifter Calls (Offender in Custody)
- 13. Rescue Calls (Only if Deputy needed for Crowd/Traffic control)
- 14. Missing Person (Foul Play Possible)
- 15. "Down and Out" Persons

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**PRIORITY 3 - FORTY-FIVE (45) MINUTE MAXIMUM  
DELAY**

1. Larcenies (No Suspect or Apparent Evidence)
  2. Vandalism (Minor Damage)
  3. Gas Skips/Bill Skips
  4. Obscene Phone Calls
  5. Missing Persons (No Foul Play Feared;  
Includes runaways over age 12).
  6. Additions or supplements to reports on file.
  7. Simple Assaults (Delayed)
  8. Reports for Insurance Purposes
  9. Civil Matters
  10. Report Calls requiring a Deputy but where  
there has been a long delay between  
occurrence and report to Department.
  11. Nuisance-type call, (i.e., loud music, river  
shooting, motorbikes on ditch bank, etc.)
  12. Public-relation type calls (Motorist assist,  
etc.)
  13. Abandoned vehicles/property
- D. Calling parties reporting Priority - 2 or Priority - 3 incidents will be informed of the maximum possible delay.
- E. In the event a unit is not available, calling parties will be contacted by Communication Center personnel no later than five (5) minutes before the deadline and provide that person with a reasonable estimate as to when a unit will arrive.

**309-12 NOTIFICATION PROCEDURES**

- A. Units will make necessary notifications to persons or agencies through communications. For example when it is necessary to advise the ON-DUTY supervisor of a call or when outside services such as PNM, FMO, OMI, or highway department personnel are needed, the request or notification will be done via radio to communications.

**309-13 SPECIAL SITUATIONS**

- A. Units will not be dispatched to the following locations without the approval of the ON-DUTY supervisor.
1. University of New Mexico Campus
  2. New Mexico State Fair Grounds
  3. Kirtland Air Force Base
  4. Job Corps Center
  5. Veterans' Administration Hospital

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Effective date: February 03, 2005

### **310 DATA ROOM SERVICES AND PROCEDURES**

The data room shall disseminate to authorized personnel information that is of law enforcement interest. This includes information on misdemeanor and felony warrants, Motor Vehicle records, Domestic Violence Orders and other information which is available through the Departments automated systems.

#### **RULES AND PROCEDURES:**

##### **310-1 DATA ROOM PROCEDURES**

- A. This information is accessed through the following sources:
  - 1. NCIC
  - 2. NMCIC
  - 3. ACTION
  - 4. ROBOCOP
  - 5. ACOPS
  - 6. Motor Vehicle Department Records
  - 7. Other sources which may be available in the Data Room.
- B. This section also communicates with other law enforcement agencies through the use of the National Law Enforcement Teletype System.
- C. The information recovered from the data room is of a confidential nature and is to be used by duly commissioned law enforcement officers only. It is incumbent upon operators to take necessary precautions to prevent any unauthorized operation. Operators will generate an inquiry only upon the request of a commissioned law enforcement officer.
- D. All operators will be completely familiar with all security regulations as published in the NMLETS, NLETS, NMCIC and NCIC manuals regarding the operation of the terminals in the Data Room.
- E. All sworn personnel of the Department, regardless of assignment, are required to adhere to these security regulations and will not generate any inquiries to the Data Room except for bonafide criminal justice use. Information generated from systems within the Data Room will not be disseminated to any person not authorized to receive it.
- F. Inquiries to the Data room must include all of the available information on the subject in question.
- G. Arrests made on the basis of information received from the Data Room, must comply with Standard Operation Procedures covered under the section: ARRESTS.

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- H. Requests for Criminal histories from field Deputies must be approved by their supervisor prior to being run by the Data Room.

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Effective date: February 03, 2005

Effective date: April 30, 2014

### **311 TOWED VEHICLES**

Vehicles will be towed in a safe and efficient manner, in accordance with procedures established in this manual. All requests for wrecker service will be in compliance with the wrecker rotation/selection schedule maintained in the Communication Center. Communications Center will also maintain record of all vehicles removed or towed at the direction of a Deputy.

#### **RULES AND PROCEDURES:**

##### **311-1 VEHICLES TO BE TOWED**

Vehicles will be towed at the direction of Department personnel in the following instances:

- A. When an arrest or citation is made of the driver for DWI, driving while license is suspended or revoked as indicated by the NM Motor Vehicle Department (MVD) records, failure to have a drivers license as indicated by MVD records, and/or the driver has outstanding warrants. (refer to 311-2.D for exemption)
- B. When the vehicle is needed as evidence in a criminal/traffic investigation.
- C. When the vehicle is illegally parked and presents a clear hazard to other traffic.
- D. When the driver has been incapacitated, hospitalized, arrested, and/or when the vehicle cannot be released to a registered owner as verified by the MVD.
- E. When the vehicle has been reported stolen and the owner cannot arrive to retrieve the vehicle within a reasonable time.
- F. When the vehicle is seized pursuant to a lawful court order.
- G. When the vehicle has been abandoned on public property, such as the shoulder of a highway, is being vandalized and may present a hazard to the public.
- H. When the vehicle is in violation of NMSA 66-3-126; NMSA 66-7-350; and/or Bernalillo County Code Article V. Section 54-124.
- I. Any deputy may order the impoundment of any vehicle within Bernalillo County without prior notice to the owner or operator of the vehicle, when a vehicle is being driven unsafely under state law due to one of the following:
  - 1. Failure to have insurance on the vehicle as required under state law and as documented by one of the following:
    - a) Confirmation through the NM Motor Vehicle

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Department records, for failure to have  
insurance within the last six months.

- b) Confirmation by the citing deputy that the insurance company that the driver claims covers the vehicle, does not in fact cover the vehicle.

**TOWING PROCEDURES**

**311-2**

- A. A Department tow slip and an Offense/Incident report will be completed on all vehicles towed at the direction of Department personnel. The slips must be legible, and must include the name and man number of the towing Deputy.
- B. A hold may be placed on the towed vehicle by the Towing Deputy if the vehicle is needed in a criminal investigation, or is being held pursuant to a lawful court order. Approval from a supervisor is mandatory before a hold may be placed on a vehicle. If a hold is placed on a vehicle it must be indicated on the offense/incident report, and the name of the approving supervisor recorded as well.
- C. A complete inventory must be taken of all property left in the towed vehicle. If items are taken from the vehicle for safekeeping, they must be processed in accordance with procedures outlined under SOP section: EVIDENCE.
- D. Upon arrest of the driver of the vehicle, the arresting Deputy may release the vehicle to the verified registered owner of the vehicle if they are present at the time of arrest, otherwise, the vehicle will be towed pursuant to this policy.
  - 1. If a vehicle is released to a verified registered owner as mentioned above, information regarding that person must be included in the offense/incident report written concerning the incident.
- E. A copy of the tow slip will be given to the owner/driver or placed with the prisoner's property if they are arrested.
- F. A copy of the tow slip will be given to the wrecker driver.
- G. If not intoxicated or otherwise incapacitated, an owner/operator will be allowed to request a specific wrecker service of their choice. Department personnel will inform them of this right prior to the vehicle being towed.
- H. If the vehicle is being towed due to its being abandoned, unattended and/or the owner/operator is otherwise unavailable, a copy of the tow report will be left inside the passenger compartment of the vehicle. The incident number or case number will be indicated on the tow slip.
- I. If a wrecker is dispatched at the request of Department

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personnel solely to assist a stranded motorist, a tow slip or offense/incident report will not be necessary.

- J. Vehicles will not be towed from private property unless needed as evidence, or pursuant to a lawful court order.
- K. A stolen vehicle inquiry will be done on all towed vehicles. Complete information on the VIN and license plate should be provided to the Data Room so that an accurate check may be performed.

**ABANDONED VEHICLES ON PUBLIC PROPERTY**

**311-3**

- A. Prior to placing an Abandoned Vehicle Sticker on the vehicle, the Deputy will check with the Communication Section to determine if they have been notified of any circumstances surrounding the vehicle in question.
- B. The Deputy will determine if the vehicle is violating parking restrictions.
- C. If the owner cannot be contacted or refuses to move the vehicle, Deputies will fill out an Abandoned Vehicle Sticker and place it in a highly visible location on the vehicle.
  - 1. Communications will be notified of the description of vehicle, location, and reason for "notice of towing". Communications will place this information into the CAD system / "ABT" incident.
  - 2. Deputies will maintain the carbon copy of the Abandoned Vehicle Sticker and include this carbon with the offense/incident report should the vehicle be towed. If the vehicle does not get towed, the Deputy will retain the carbon copy for a period of (30) working days, then destroy the carbon.
  - 3. Deputies will follow-up on the vehicle which was given a "notice of towing" after the 24 hour notice period, but not longer than (5) five working days from the initial date of notice. This will be to determine if the vehicle is still in need of towing.
  - 4. If possible, the Deputy who prepared the Abandoned Vehicle Sticker will be the same Deputy who orders the vehicle to be towed.
  - 5. The Deputy towing the vehicle will notify the Communications Section of the appropriate information to be entered into the CAD system / "ABT" incident type.
- D. Should a Deputy fail to follow-up on the Abandoned Vehicle within the (5) day time period, the Communications Section will initiate a "call for service" and sworn personnel will be dispatched.

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- E. All procedures in the 311.00 Section "towed vehicles" will be followed for the towing of Abandoned Vehicles.

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**312 UNBIASED POLICING**

It is the policy of the Sheriff's Department to emphasize commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services. The maintenance of public trust and confidence in the Sheriff's Department is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public.

All persons having contact with members of the Sheriff's Department shall be treated in a nonpartisan, fair, equitable, and objective manner, in accordance with law, and without consideration of their race, color, national origin, or other individual characteristics or distinctions as defined in this policy.

**DEFINITIONS:**

**BIASED BASED POLICING**

The interdiction, detention, arrest or other non-consensual treatment of an individual because of a characteristic or status, such as race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, or economic status.

**EQUAL TREATMENT**

In the present context, equal treatment means that persons, irrespective of race or other distinction, shall be treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically in all cases. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.

**LAW ENFORCEMENT CONTACTS/ENFORCEMENT ACTIONS**

Includes, but is not limited to, a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property.

**LAW ENFORCEMENT SERVICE FUNCTIONS**

Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include but are not limited to such tasks as assistance at fire scenes, traffic



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accidents, medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities.

**RULES AND PROCEDURES:**

**312-1 FAIR AND EQUAL TREATMENT**

- A. Biased-based policing by any member of this Department is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type bodily searches, arrests, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause for determining when or how to take enforcement action in accordance with applicable Constitutional laws.
- A. Nothing in this policy prohibits Deputies from using the traits and characteristics of persons, such as race, ethnicity, or other information to assist in establishing reasonable suspicion or probable cause in the same manner that Deputies would use hair color, height, weight, or gender for such purposes.
- B. Department personnel will provide the same level of law enforcement service to every citizen regardless of their race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition, or economic status.

**312-2 DUTIES OF DEPARTMENT PERSONNEL**

- A. Deputies who witness or who are aware of instances of biased-based policing shall immediately report the incident to their supervisor and submit the information in accordance with S.O.P.
- B. The Department takes seriously allegations of bias-based policing. Anyone may lodge a complaint regarding alleged unlawful law enforcement profiling with the Sheriff's Department.
- C. All complaints will be forwarded to the Internal Affairs Unit, and must be made within 90 days of the original incident.

**312-3 SUPERVISOR DUTIES**

- A. Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
- B. Supervisors will monitor the activities of personnel under their command in order to identify behaviors that may be

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indicative of a violation of this policy.

- C. Supervisors will respond to all citizen complaints of biased-based policing and will ensure that complaints are handled in accordance with Departmental policy. Violations of this policy will be handled with appropriate corrective measures such as remedial training, discipline or other appropriate means.

312-4 **TRAINING**

- A. All Deputies will receive training during basic orientation and in-service. The curriculum will encompass the Prohibition of Profiling Practices Act, Laws 2009 Chapter 177, 1-4, NMSA 1978 29-21-1 et seq.
- B. When deemed necessary, remedial training will be provided.

312-5 **ANNUAL ADMINISTRATIVE REVIEW**

- A. The Internal Affairs Commander will conduct a documented annual administrative review will be completed on agency practices, including citizen concerns.

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**313 ARRESTS**

The Department shall arrest felony and misdemeanor violators of laws which its Deputies are empowered to enforce and to follow correct legal procedures required in arresting, booking, and filing charges against such violators.

**RULES AND PROCEDURES:**

**313-1 FELONY ARREST AUTHORITY**

- A. Felony arrests may be made through the authority of a warrant or on probable cause.
- B. Probable cause felony arrests may be made for all:
  - 1. Felony narcotic offenses.
  - 2. Felonies in progress (e.g., violent crimes, burglaries, etc.).
  - 3. Violent crime offenses (e.g., aggravated battery, aggravated assault, criminal sexual penetrations, etc.).
- C. For those felony offenses that do not fall within the above listed categories, a Deputy, when deciding whether to effect an arrest or to merely submit the case for indictment consideration, may make a probable cause felony arrest when probable cause clearly exists, under the following circumstances:
  - 1. When the offender has no community ties to the metropolitan area (e.g., transient, out of town resident, etc.).
  - 2. When one or more prior felonies or multiple offenses have been committed by the offender.
  - 3. When the arrest is approved by a supervisor based on extenuating circumstances.

**313-2 PETTY MISDEMEANOR/MISDEMEANOR ARREST AUTHORITY**

- A. Petty Misdemeanor & Misdemeanor arrest may be made:
  - 1. By the authority of a warrant or court order.
  - 2. Based upon the Deputies personal observation of the offense.
  - 3. As the result of petty misdemeanor traffic investigations involving accidents.
  - 4. For petty misdemeanor shoplifting offenses.
  - 5. At the scene of a domestic disturbance, arrest is MANDATORY when the Deputy has probable cause to believe that a battery has been committed upon a family or household member.

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6. For certain other offenses in which statutory law specifically permits misdemeanor arrests to be made based upon information received, rather than upon direct Deputy observation.

**313-3 ARRESTS/GENERAL**

- A. An offense report indicating all charges and detailing the circumstances will be written by the arresting Deputy for any incident or warrant service resulting in an arrest or protective custody.
- B. Arrest reports will be completed no later than the end of the arresting Deputy's shift. The report will be approved by the supervisor. Supervisors will ensure that sufficient information is contained in the arrest report to support the arrest.
- C. Arresting Deputies will check N.C.I.C./A.C.T.I.O.N. on all persons taken into custody. In the case of a hit subsequent to an arrest on other charges, the arresting Deputy will verify the hit through the N.C.I.C./A.C.T.I.O.N. operator and advise the operator that the subject is in custody.
- D. In the event a Deputy is the complainant and/or victim of an incident resulting in arrest, no waiver of prosecution shall be signed without prior review and approval of the Sheriff and the District Attorney's Office.
- E. Should a Deputy have charges pending against a subject who has been transported to a medical facility, hospital personnel will be advised of that fact. Depending on the seriousness of the charges, a Deputy will either stand guard or place a police hold on the patient.

**313-4 ARREST OF U.S. POSTAL SERVICE DRIVERS/MILITARY/ILLEGAL ALIENS/ARMORED CAR DRIVERS/FOREIGN NATIONALS**

- A. The drivers of mail-carrying vehicles and armored cars shall not be taken into custody, except when they are charged with a felony or D.W.I., or when their mental or physical state is such that they are a hazard to the public. Upon taking such a driver into custody, the arresting Deputy shall immediately have the local United States Postal Service office/armored car company notified. Pending arrival of a postal representative/armored car company supervisor, the arresting Deputy shall be responsible for the safety and security of the postal/armored car and its contents.
- B. Whenever active duty military personnel are arrested and placed into custody for any offense, excluding minor traffic charges, the arresting Deputy shall notify Kirtland Air Force Base Security Police Desk and advise them of the arrest.
- C. Enforcement of immigration laws and arrest of illegal aliens

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resides exclusively with the U.S. Immigration Service. Deputies shall not stop and question, detain, arrest, or place an "Immigration Hold" on any persons not suspected of crimes, solely on the grounds that they may be deportable aliens. When arrest is necessary for a non-immigration criminal violation, Deputies shall notify the Immigration and Naturalization Service immediately, if it is suspected that the person may be an undocumented alien, so that they may respond appropriately.

**313-5 ARREST AND/OR DETENTION OF FOREIGN NATIONALS**

Deputies shall follow prescribed procedures when dealing with the arrest and/or detention of Foreign Nationals.

**DEFINITIONS:**

**Foreign Nationals**

Any person who has a legal standing as a citizen of any country other than the United States.

**United States Immigration Service**

The Federal Agency charged with the responsibility of enforcing Federal Laws pertaining to the admittance or regulation of persons who are in the United States, but who are not citizens of the United States.

The Albuquerque Office of the Immigration and Naturalization Service can be contacted at 247-4177 or 247-2147.

**Immigration Hold**

The restriction of an individual's free movement through detention or incarceration strictly for the purposes of relaying the individual to the United States Immigration Service for incarceration or deportation.

**Non-Immigration Criminal Violation**

Any act that constitutes the violation of State Laws or County Ordinances for which an individual may be legally subjected to prosecution.

**Foreign Consulate**

The individual or office which provides contact with or representation of the nation or government with which a Foreign National has legal citizenship.

**Mexican Consulate**

The local office representing the Mexican Government in all matters dealing with the detention or incarceration of their citizens.

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The Mexican Consulate in Bernalillo County is located at 1610 4<sup>th</sup> Street, 87102. They can be reached at either 505-842-9490.

**Dallas District Office**

The office established for contact with information pertaining to the arrest or detention of all foreign nationals who are not of Mexican citizenship.

The Dallas District Office can be contacted at 505-827-0350, or they can be faxed at 505-827-0263.

**RULES AND PROCEDURES:**

**313-6 DETENTION**

Deputies shall not stop and question, detain, arrest or place an "immigration hold" on any persons not suspected of crimes, solely on the grounds that they may be deportable immigrants. When arrest is necessary for the violation of State Law or County Ordinance, deputies shall notify their Field Supervisor immediately if it is suspected that the person may be an undocumented immigrant. At that time, the Supervisor will begin the notification process as is outlined in the Arrest section below.

**313-7 ARREST**

- A. When a Foreign National is arrested he/she will be advised of their right to have their government notified concerning the arrest.
- B. The arresting Deputy will notify his/her supervisor that a Foreign National has been arrested.
- C. That supervisor will notify the Foreign National's consulate that the subject has been arrested.
- D. When the arrested person is of Mexican citizenship, the supervisor will contact the Mexican Consulate. If the arrested person is of any other citizenship, the Dallas District Office will be notified. Contact information for both of these offices can be found in the Definitions section of this document.
- E. The supervisor will contact the appropriate consulate and advise them of the arrested individual's identification information, the charges being brought against the individual and of the individuals' location of incarceration.

**313-8 DIPLOMATIC IMMUNITY**



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- A. Under the guidelines of the United States Department of State, Foreign Diplomats have immunity concerning County Ordinances and State and Federal Laws. Foreign Diplomats will be dealt with on an individual basis. They shall not be placed under arrest and it will be the deputy's responsibility to contact their supervisor, and inform them of any violations committed by Diplomats.
- B. It will be the responsibility of the Field Supervisor to contact the Diplomat's respective Foreign Consulate and the Bernalillo County District Attorney's Office for further guidance.

**313-9 CONFISCATION OF IDENTIFICATION**

Current law provides that only Federal Agents are authorized to confiscate a Foreign Nationals identification documents (i.e. residence cards, work permits, etc.). Unauthorized confiscation of these documents, even if they are suspected forgeries, is a violation of Department Policy and may result in charged violations of the law. Deputies encountering Foreign Nationals with suspicious documentation are directed to report the incident as soon as possible to the Immigration and Naturalization Service at the numbers listed in the Definitions section of this document. Once contact is made with the Immigration and Naturalization Service, they will be provided with complete information pertaining to the content and nature of the suspicious document and the identification and location of the Foreign National.

**313- REPORTS**

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- A. The arresting deputy shall submit an official report detailing the arrest of the Foreign National and identifying the nation in which the Foreign National has citizenship by the end of that deputy's shift.
- B. A copy of that report shall be forwarded to Bernalillo County Sheriff's Department's District Attorney Liaison Office by the end of that Deputy's shift.
- C. The metro liaison division will email the Mexican Consulate notification and arrest report(s) for all felony arrest of Mexican citizens.

**313- ARREST WARRANTS**

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- A. Arrests stemming from grand jury indictments will be made only after a resulting bench warrant is received by this Department. Knowledge that a "true bill" has been returned by the grand jury DOES NOT constitute grounds for a valid arrest.

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- B. No person shall be arrested on the basis of an N.C.I.C. or A.C.T.I.O.N. printout, unless a minimum of two positive identifiers are present.
- C. Means of identification for this section shall include:
  - 1. Name: to include first, middle name/initial and last name.
  - 2. Date of birth: month, date and year (must be identical).
  - 3. Social Security Number: all numbers must be identical and in proper sequence.
  - 4. Address: including digits and street name (Addresses should be considered the weakest of all identifiers and extreme caution should be taken before relying on this means for positive identification)
- D. In the event the Warrants Section is inoperative, and the actual warrant is not available, an arrest may be effected on the basis of the printout.
- E. In the event the printout indicates the charges pending involve crimes of violence, it is permissible to detain the individual until positive identification can be made.
- F. Under no circumstances will a person be booked into the Detention Center until positive identification of the subject is made.
- G. If there is any doubt as to the subject in custody being the same person named on the printout or warrant, the subject should be released after information has been gathered concerning the subject's current address, place of employment, etc.
- H. It is the arresting Deputies responsibility to verify the validity of the information received by printout. The arrest and subsequent action is the sole responsibility of the Deputy.

**313- BOOKING ON THE BASIS OF A WARRANT ISSUED FROM BERNALILLO COUNTY**  
**12**

Upon confirming the existence of a valid warrant through N.C.I.C., Deputies will notify the Warrants Section through the Communications Center that an arrest has been made. Warrants Section personnel will fax a copy of the warrant to the Metropolitan Detention Center. The copy received by the Detention Center will be used in the booking procedure. If the warrant specifies the defendant be taken directly before a Judge, a copy of the warrant must be picked up by the deputy from Warrants Section personnel. Deputies will indicate the type of warrant, warrant number and warrant charges on the Offense / Incident Report.

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**313- BOOKING ON THE BASIS OF A WARRANT ISSUED OUTSIDE THE JURISDICTION OF  
13 BERNALILLO COUNTY**

- A. The arresting Deputy will cause a Teletype to be sent to the jurisdiction holding the warrant, advising that the suspect is in custody and requesting a return Teletype as soon as possible containing the name of the judge who issued the warrant, charges, bond, warrant number, and if the agency will extradite. A telephone call to verify the warrant is not sufficient.
- B. The suspect will be booked into the Metropolitan Detention Center (M.D.C.)
- C. A copy of the N.C.I.C. readout and/or Teletype will be furnished to booking personnel by the Deputy at the time of booking.
- D. All other correspondence will be handled by liaison or the District Attorney's Office.

**313- TELEPHONE INQUIRES/WARRANTS  
14**

- A. A telephone call to verify a warrant is NOT sufficient.
- B. Personnel receiving a telephone call requesting information about a warrant being held by this Department will not respond to the inquiry unless they personally recognize the caller, and the caller is a bona fide sworn personnel of a law enforcement/criminal justice agency.
- C. Unknown callers claiming to represent a law enforcement/criminal justice agency will be asked for the name and telephone number of their agency. A return call will be made to that agency to verify authenticity of the caller BEFORE any information about a warrant is given.
- D. No information about a warrant will be given to anyone, other than law enforcement/criminal justice personnel, regardless of the nature of the warrant.
- E. Calls from news media representatives will be referred to the Public Information person.

**313- DETENTION FOR MENTAL HEALTH EVALUATION/PROTECTIVE CUSTODY  
15**

- A. A Deputy may detain a person for emergency mental health evaluation and care in the absence of a legally valid court order of the court only if:
  - 1. The person is otherwise subject to lawful arrest.

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2. There is reasonable evidence to believe that the person has just attempted suicide.
  3. Based upon his own observation and investigation, the Deputy has reasonable evidence to believe that the person, as a result of a mental disorder, presents a serious harm to themselves or others, and that immediate detention is necessary to prevent such harm.
- B. An incident report will be submitted and observations by the Deputy will be noted whenever a person is detained/placed into protective custody, regardless of whether or not the person is accepted at a mental health facility.
  - C. Any physical and emotional responses of the subject will be noted.
  - D. Speech should be observed for organization, character, and logical reasoning.
  - E. Any noted delusions, hallucinations, disorientations, homicide or suicide attempts should be documented.

**313- PROTECTIVE CUSTODY/TRANSPORT**  
**16**

- A. Once a person has been placed into protective custody he will be transported to a mental health facility or a medical facility (U.N.M. Hospital) for evaluation by a physician.
- B. When transporting a person to a mental health or medical facility, two (2) Deputies should be utilized to transport the person.
- C. A Deputy shall also make a protective search of the person prior to transporting.
- D. Once at the facility, the Deputy shall comply with existing processing procedures of the facility.
- E. Transporting sworn personnel shall remain with the person transported until an evaluation has been completed, and will provide information to facility personnel on the facts that lead to the detention.
- F. If the person has been arrested for an alleged felony, the arresting Deputy shall notify personnel at the facility so appropriate security measures can be taken. If the person had been transported to a hospital for medical care and is charged with a felony, a "police hold" will not be sufficient security.
- G. Should the facility have inadequate security to prevent escape, the Deputy will inform the supervisor on duty so appropriate security can be established.
- H. Should the facility advise a Deputy that the person will not

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be accepted (Mental Health facility), the Deputy will transport the person to their residence or a detention facility (Dependent upon the situation), or will arrange for alternate transportation. The on-duty supervisor will be notified if the mental health facility refuses the subject.

- I. Whether or not a mental health facility accepts a person, booking procedures will proceed. Should a person who has pending charges be accepted, the sworn personnel will provide facility personnel with contact information so appropriate action can be taken upon release.

**313- PROTECTIVE CUSTODY/E.M.S. REQUEST**

**17**

- A. When a Deputy of this Department is asked by Emergency Medical Services (E.M.S.) personnel to place someone in protective custody, an investigation will be conducted to determine the need.
- B. The mental state of the proposed patient is at issue. Reasonable evidence must exist that the proposed patient's mental state is impaired to the point that they may present a life threatening danger to themselves if medical treatment is not received.
- C. An incident report will be submitted and observations by the Deputy noted whenever a request to place a person into protective custody is made, regardless of whether or not the request is granted.
- D. Any physical and emotional responses of the subject will be noted.
  1. Speech should be observed for organization, character, and logical reasoning.
  2. Any noted delusions, hallucinations, disorientations, homicide or suicide attempts should be documented.
  3. If advice is given to the sworn personnel by an emergency room doctor, the name of the doctor will be listed and the advice given will be noted. The emergency room doctor's advice should be strongly considered when making a decision.
- E. The following questions will also be asked by the investigating sworn personnel to the proposed patient, and the answers given shall also be documented in the Offense/Incident Report.
  1. Do you understand English?
  2. What is your name?
  3. Where do you live?

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4. How old are you?
  5. What day is this?
  6. Where are you?
  7. What time is it?
  8. What is the last school grade you completed?
  9. Have you been drinking?
  10. Have you been given and/or have you taken any drugs?
  11. When was the last time you ate?
  12. When was the last time you slept?
  13. Do you understand that your present condition is believed to be life threatening? (If needed, explain the situation to the proposed patient)
  14. Do you understand what I have told you, and that you are in need of evaluation, treatment and/or transportation to a hospital?
  15. Why are you refusing treatment?
- F. If, after questioning, the proposed patient appears to understand and is able to give an intelligent refusal, the Deputy shall question the need to place the subject in protective custody and will consult with a supervisor.
- G. Should the Deputy establish reasonable evidence that the patient's mental state has been impaired and presents a danger to himself, the patient will be placed into protective custody.
- H. The patient will be advised that he has been placed in protective custody. The physical control of the patient shall be relinquished to E.M.S. personnel, on scene, for transportation to hospital for further treatment.
- I. E.M.S. personnel will usually be in contact with a doctor located at a hospital. Once a decision has been made to place the patient in protective custody, E.M.S. guidelines require the patient be transported to the hospital where the doctor is located.
1. If a Deputy has to make a decision as to which hospital the patient is to be transported to, he should attempt to determine if the patient has hospitalization insurance, and if so, the patient should be transported to a medical facility covered by that policy.
  2. Should the Deputy be unable to establish health care

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information or it is medically necessary for the patient to be taken to a hospital not covered under the health plan, the Deputy shall consult E.M.S. personnel as to a hospital suited to meet the needs of the patient.

3. A Deputy will accompany transporting E.M.S. personnel to the hospital should the patient be potentially violent. A Deputy shall provide protection for E.M.S. personnel during transport, if necessary.
4. A sworn personnel will accompany any child (minor) placed in protective custody for medical treatment to the hospital under all circumstances. Hospital personnel may require a Deputy to sign medical release forms if a parent or responsible guardian cannot be located to authorize medical treatment. If this is required, consult with a supervisor.
5. A Deputy shall investigate to determine whether child abuse or neglect has occurred. Should a Deputy have probable cause to believe that a crime has been committed, action shall be taken addressing the situation.

**313- INTOXICATED PERSONS/PROTECTIVE CUSTODY**

**18**

- A. When an intoxicated person has been placed in protective custody, a Deputy will transport the subject to one of the following locations:
  1. The person's residence, if it appears to the Deputy that the intoxicated person will be orderly and able to care for his own safety.
  2. To a health care facility when there is reasonable evidence that the intoxicated person is unable to care for his own safety or is in need of medical attention.
  3. To the Bernalillo County Detention Center when there is reasonable evidence that the intoxicated person:
    - a. Has no residence in the metropolitan area.
    - b. Is unable to care for his own safety.
    - c. Constitutes a danger to others if not transported to a detention facility.
- B. A Deputy shall make a protective search, of the subject prior to transporting for his protection.
- C. Should a Deputy decide to take an intoxicated person to a detention center, the Deputy will comply with existing booking procedures for intoxicated persons.
- D. If a Deputy should encounter an intoxicated minor, he shall be transported home and released to the custody of a parent or

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guardian.

1. If a parent or guardian cannot be located or the minor is too intoxicated to give information, the minor will be placed in protective custody and taken to a facility capable of caring for the minor until a parent or guardian can be located.
2. A Deputy shall investigate to determine whether child abuse or neglect has occurred. Should a Deputy have probable cause to believe that a crime has been committed, appropriate action shall be taken to address the situation.

### **313- JUVENILE OFFENDER CUSTODY REPORTING PROCEDURE**

19

A juvenile offender may be placed or detained at an administrative building under the guidelines described herein.

#### **DEFINITIONS:**

##### **SECURE SETTING**

A secure detention setting has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object.

##### **NON-SECURE SETTING**

A non-secure setting may be an unlocked multipurpose area such as a lobby, office, or interrogation room that is not designated, set aside, or used primarily as a secure detention area or is not part of such an area. A juvenile may be considered to be in a non-secure setting, and yet not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility.

A juvenile placed in a secure law enforcement vehicle for transportation is considered a non-secure setting.

##### **LOCKUP**

A lockup is generally a municipal or law enforcement facility of a temporary nature that does not hold persons after they have been formally charged.

##### **STATUS OFFENDER**

A status offender is a juvenile who is charged with or who has committed offenses that would not be criminal if committed by an



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adult (ex: runaway, incorrigible child, curfew violator, habitual truant).

**NEW MEXICO SECURE HOLDING LOG**

The Secure Holding Log is used for collecting data pertaining to juveniles who are held at law enforcement administrative buildings. The log is used to report the data to the State in accordance with current New Mexico State Statutes (e.g. as designated by the New Mexico Compliance Monitor).

**RULES AND PROCEDURES:**

**313- JUVENILES HELD IN ADMINSTRATIVE BUILDINGS**  
**20**

A. A juvenile offender may be placed or detained at an administrative building under the following guidelines:

1. Out of sustained sight and sound of adult offender(s)
2. Held no longer than six (6) hours
3. Under continuous visual supervision
4. Secure Holding Log entry completed

**313- STATUS OFFENDERS**  
**21**

Status offenders shall not be placed in a secure setting such as holding cells, locked rooms, or handcuffed to a stationary object. A status offender is a runaway, incorrigible child, curfew violator, habitual truant, or other offenses that would not be criminal if committed by an adult.

**313- NEGLECTED OR ABUSED CHILD**  
**22**

Unless a child alleged to be neglected or abused is also alleged or adjudicated delinquent, the child shall not be held in a jail or other facility intended or used for the incarceration of adult charged with criminal offenses or for the detention of children alleged to be delinquent children.

**313- PROHIBITION ON SECURE HOLDING**  
**23**

Adult jails and lockups cannot hold status offenders, non-offenders, alien juveniles, or civil-type juvenile offenders in a secure manner at anytime. These juveniles may be detained in a non-secure area of an adult jail or lockup for processing while awaiting transportation to a non-secure shelter care facility or a juvenile detention center or while waiting release to a parent or guardian.

**313- SIX-HOUR HOLD**  
**24**

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Once the juvenile has been placed in a secure custody status and the 6-hour period has begun, the facility cannot temporarily take the juvenile out of a secure custody status and begin the 6-hour time period again.

**313- SEPARATION FROM ADULT OFFENDER (S)**

**25**

Juveniles shall not have contact with adult offenders. Contact is defined to include any physical or sustained sight or sound contact. Sight contact is defined as clear, sustained visual contact between adult offenders and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between adult offenders and juveniles.

**313- CONTINUOUS VISUAL SUPERVISION**

**26**

The juvenile must be under continuous visual supervision (which may include electronic supervision, e.g. camera) by the law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

**313- FACILITY REPORTING REQUIREMENTS**

**27**

Facilities must collect data on juveniles held and report the data to the state in accordance with current New Mexico State Statutes (e.g. as designated by the New Mexico Compliance Monitor) utilizing the New Mexico Secure Holding Log.

**313- DUTIES OF DEPARTMENT PERSONNEL**

**28**

- A. Deputy is to ensure a detained juvenile is under continuous visual supervision.
- B. Deputy is to ensure a detained juvenile is held no longer than reasonably necessary to conduct a proper investigation and required paperwork and the juvenile is taken to the Juvenile Detention Center without delay (unless the juvenile is in need of emergency medical care prior to being taken to the intake facility).
- C. Deputy is to ensure detained juvenile is held out of sustained sight and sound of adult offender(s).
- D. When juvenile is held in a secure area, Deputy is to ensure entry is made on the Secure Holding Log.
- E. The Deputy will ensure the juvenile's Constitutional Rights are protected and the New Mexico Children's Code is adhered to when a juvenile is in custody, to include any custodial interrogation. The deputy will also ensure the juvenile's parents or guardians are notified the juvenile has been taken into custody.

**313- SUPERVISOR DUTIES**

**29**

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- A. Area Commander, or other supervisor responsible for the facility/area will ensure the Secure Holding Log is readily available.
- B. Area Commander, or other supervisor responsible for the facility/area will ensure the Secure Holding Log is forwarded to the state quarterly in accordance with current New Mexico State Statutes.

**313- IN CUSTODY ESCAPE**

**30**

In the event a prisoner escapes from an escorting Deputy during the transportation process, the following procedures are to be followed:

**Deputy Responsibilities**

- A. Notify communications providing the location of the escape, the direction of travel, the prisoners physical and clothing description. Deputies will also immediately notify their on-duty supervisor.
- B. If the escape occurs outside Bernalillo County or if the Sheriff's Office radio is inoperative, the transporting Deputy shall notify the local law enforcement agency having jurisdiction by telephone, or other available means, and provide the same information as listed above.
  - 1. If there are prisoners remaining in the transport vehicle after the escape, it shall be the responsibility of the Transporting Deputy to secure the prisoners and transport vehicle until back-up units can arrive on the scene.
- C. The Deputy will complete and file a detailed incident report regarding the event.

**Supervisor Responsibilities**

- A. If the escape occurs within Bernalillo County the on-duty field supervisor in the area in which the escape occurred will coordinate the response of assisting units, to include the air unit and K9 unit in an effort to contain, locate and return to custody the escaped prisoner.
- B. Notify the on-duty or on-call area or watch commander for notification of the event up the chain of command.

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### **314 USE OF FORCE**

Deputies shall use only that force which is reasonably necessary to protect the sanctity of human life, preserve and protect individual liberties, and to effect lawful objectives. All Deputies will act in good faith in the exercise of force. The Deputies' options can range from a continuum of verbal persuasion to deadly force.

In vesting Deputy Sheriffs with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

#### **DEFINITIONS:**

##### **DEADLY FORCE**

Any use of force that is likely to cause death or serious physical injury.

##### **SERIOUS PHYSICAL INJURY**

A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

##### **REQUIRED ACTION**

Any offensive or non-passive defensive action by a Deputy, or some intentional action under his/her immediate control.

##### **REQUIRED ACTION INJURY**

Any injury to a suspect that results from offensive or non passive defensive action by a Deputy, or some intentional action under his /her immediate control.

##### **LESS LETHAL FORCE**

Force that is intended to cause or which is likely to cause bodily harm and in certain circumstances may result in death or great bodily injury.

##### **LESS LETHAL MUNITIONS**

Munitions, including bean bag rounds, 37mm/40mm exact and direct impact rounds, rubber pellet rounds, foam projectile rounds, and wooden baton rounds, which are designed to incapacitate hostile individuals without causing death or great bodily harm. Although designed to incapacitate without causing death or great bodily injury, there always exists that possibility even when properly deployed.

Effective date: May 20, 2014

**BODILY HARM**

Any physical impairment of the condition of another's body which causes pain or illness.

**RULES AND PROCEDURES:**

**314-1 LESS LETHAL FORCE**

- A. Where force is warranted, Deputies should assess the incident in order to determine which technique or tool will reasonably de-escalate the incident and bring it under control safely.
- B. Every Deputy is responsible for weighing all other reasonable means of apprehension or control before resorting to a use of force.
- C. Deputies shall use only that force which is reasonable and necessary to overcome resistance, to protect oneself or another, and to effect lawful objectives.
- D. When a confrontation escalates suddenly, Deputies may use any means or device at hand for self-defense provided that the use of force is reasonable, given the existing circumstances.
- E. Deputies are permitted to use those defensive tactics and less lethal tools with which they are trained, qualified, and certified with, as determined by training procedures, for the resolution of incidents when force becomes necessary.
- F. Every Deputy is expected to consider the use of Department approved options, ranging from verbal techniques, empty hand techniques, and less lethal tools. The following less lethal tools are authorized to be issued :
  - 1. Expandable Baton
  - 2. Chemical Agents/Munitions
  - 3. Handcuffs
  - 4. Pepper-ball System
  - 5. Conducted Electrical Weapon
  - 6. Less Lethal Munitions
    - A. Bean Bag Rounds
    - B. 37/40mm Exact Impact Rounds

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C. 37/40mm Direct Impact Rounds

**314-2 CONDUCTIVE ELECTRICAL WEAPON (CEW)**

- A. There are three separate types of reportable CEW/TASER applications:
1. WARNING SPARK DISPLAY - A non-contact demonstration of the TASER's ability to discharge electricity. A SPARK DISPLAY can be used to gain compliance from a subject whom Deputies believe is about to resist compliance with Deputy's lawful commands and to avoid the TASER being deployed in the Drive Stun, or probe mode. A WARNING SPARK DISPLAY is conducted only when the cartridge has been removed from the TASER.
  2. DRIVE STUN - There is two (2) separate modes of DRIVE STUN: (DRIVE STUN does not incapacitate a subject, but may assist in taking a subject into custody).
    - a. DRIVE STUN BACK UP. A technique in which a Taser is placed directly against the subject, and the electric discharge is transmitted through the metal conductors on the Taser (cartridge removed) or an expended cartridge. A DRIVE STUN affects the sensory nervous system (pain compliance) and usually does not cause Neuro Muscular Incapacitation (NMI).
    - b. THREE POINT DRIVE STUN DEPLOYMENT. Probes are deployed with contact or near contact with the subject and the expended cartridge is DRIVE STUN away from the probe impact site. This mode will likely have an NMI effect.
  3. PROBE DEPLOYMENT - The TASER is most effective when the cartridge is deployed and the probes make contact with subject. Proper application may result in temporary immobilization of the subject and provide the officer an opportunity to safely take the subject into custody, reducing risk of injury to both the suspect, officers and the public.

**314-3 USE OF CONDUCTIVE ELECTRICAL WEAPONS (CEW/TASER)**

- A. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, deputies should assess the situations where force is warranted. Deputies shall use only that force which is reasonably necessary to effect lawful objectives.
- B. Deputies will only use the less lethal force TASER after receiving training and certification in its proper use, and according to departmental and manufacturer training guidelines.



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- C. All personnel certified to use the TASER must attend a re-certification class annually as recommended by the manufacturer. Training will include review and be familiar with TASER updates and fire at least two (2) cartridges.
- D. When feasible, every effort will be made by deputies deploying the TASER, to inform other involved deputies that a less lethal weapon is being deployed.
- E. The use of a less lethal TASER is authorized:
  - 1. At the discretion of the Deputy where the continued actions of a suspect places the suspect, citizens, or deputies at risk of injury and where physical contact with the subject would increase the likelihood of injury to the suspect, citizens, or deputies.
  - 2. The decision to use the TASER is dependent upon the actions of the subject, the threat facing the officer, and the totality of the circumstances surrounding the incident. The deploying Deputy will have the sole responsibility for properly deploying the TASER while maintaining compliance with S.O.P. section 106.00, ENFORCEMENT OF LAWS, ORDINANCES AND DEPARTMENTAL REGULATIONS, paragraphs E and F.
  - 3. When considering the use of the TASER within the reasonable officer standard. Each Deputy must evaluate the resources available to them and make reasonable application of force based on the totality of the incident. The TASER may also be used as a psychological tool to gain compliance, even when the circumstances are not present to justify deployment.
  - 4. In riot or crowd control to control and arrest principle suspects under direct authority of the squad leader or supervisor and the scene.
  - 5. If an in-custody subject is exhibiting behavior that is likely to inflict a severe injury to themselves or others, a drive stun may be applied. This application will be limited to restoring control/ compliance of a subject who has become a significant danger.
  - 6. The application of this technique on an in-custody subject will only be used in a circumstance where personnel are in fear of severe injury due to the action(s) of the subject who is in custody. All other lesser force options, which are available, should be considered prior to using this technique. Under no circumstances will this option be used as a punitive measure.
  - 7. Deputies will be required to articulate in the

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Offense/Incident report, the circumstances that required the drive stun application on a subject that is in custody and properly restrained. All Deputies present at the incident that witness the deployment of the TASER will document the circumstances present and the use of the TASER in their supplemental reports.

- F. Whenever possible, a warning shall be given to the suspect prior to deployment of the TASER unless such a warning would increase the risk of greater injury to deputies, citizens or the suspect.
- G. Use of the "Drive Stun" is discouraged except in situations where the "probe" deployment is not possible and the immediate application of the "Drive Stun" will bring a subject displaying active, aggressive or aggravated aggressive resistance safely under control. Multiple "Drive Stuns" are discouraged and must be justified and articulated on the Offense/Incident report form. If initial application is ineffective, Deputy will reassess the situation and consider other available options.
- H. After deployment of the TASER, the probes may be removed by the deploying deputy in accordance with manufacturer's training. Deputies will inspect the probes upon removal to ensure that the probe is intact and that the straightened needle is still attached to the probe body as well as the bar near the end of the probe. Medical treatment shall be immediately provided to the suspect at the scene. Follow-up medical treatment at an appropriate medical facility will be provided, if needed. When booking a subject that has received a Probe deployment, Deputies will advise Medical Personnel at the corrections facility that the prisoner has received a Probe deployment. Individuals that have been a subject of an TASER Deployment will be photographed by a FI.
- I. Probes will be treated as a BIOHAZARD disposed of in the appropriate manner after use. If severe injury occurs, the probes, cartridge and AFIDs will be tagged into evidence.
- J. The TASER will not be used:
  - 1. When the Deputy knows that a subject has come into contact with flammable liquids or is in a flammable atmosphere;
  - 2. When the subject is in a position where a fall may cause substantial injury or death;
  - 3. Punitively for purposes of coercion, or in an unjustified manner;
  - 4. To escort or jab subjects;
  - 5. To awaken unconscious or intoxicated individuals, or

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6. When the subject is visibly pregnant, unless deadly force is the only other option available.
  7. When the subject is operating a motor vehicle.
  8. When the subject is holding a firearm.
  9. When the subject is at the extremes of age or physically disabled.
  10. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the deputies and/or civilians as necessary.
- K. Deputies will notify their immediate supervisor when the ERD/TASER has been deployed in the Drive Stun or Probe manner.

**EQUIPMENT MAINTENANCE AND HANDLING**

**314-4**

- A. Deputies will only utilize Department Issued TASER's and holsters. The Deputy will carry the TASER in an approved holster on the side opposite the firearm. The use of personally owned devices is prohibited.
- B. The TASER will be inspected for damage and operation at the beginning of each duty shift. Deputies will insure that TASER is in operational condition, i.e., proper battery level, sufficient probe cartridge, etc.
- C. Deputies must conduct a spark check at the beginning of shift to ensure the TASER will function properly. A spark test is an equipment check conducted outside of public view to ensure the TASER is operable. It is conducted by removing the cartridge, test firing the weapon and observing the electrical arc.
- D. The DPM (Digital Power Magazine - Battery) shall remain in the Taser unless it is being replaced. If the DPM is removed from the TASER for more than 4 hours, the internal date and time settings may be reset.
- E. TASER's will not be left in a vehicle when not in use in hot or cold weather.
- F. When the Spark Test is conducted, the deputy will ensure that the DPM is at or above 20% it will be replaced with a new DPM. DPM's with 20% may be used in training until they reach 1 %.
- G. TASER'S will be downloaded at least once every three months. This will ensure that the date and time are kept current.

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- H. A primary and alternate TASER Custodian will be appointed and will ensure:
  - 1. An inventory of all TASER'S and to whom they are assigned by serial number and date of manufacture.
  - 2. An inventory of cartridges by serial number and date of manufacture.
  - 3. Ensure that TASER'S are downloaded at least once every three months. Deputies that discharge the TASER in the line of duty will report to FSD to ensure the TASER is downloaded.
  - 4. Maintain a roster of certified deputies and date of certification.
  - 5. Ensure that TASER and cartridges are replaced upon the recommended expiration date.
  - 6. Ensure that the most current DPM is available for updating TASER'S.
  - 7. Track and report deployment statistics on a quarterly basis to the Commander, FSD.
  - 8. Be trained/certified as a TASER Technician.
  - 9. Be responsible for TASER's for preventative maintenance, troubleshooting and returning TASER's for repair.
- 10. Establish and maintain a Public Information Resource Kit.

**SUPERVISOR'S RESPONSIBILITIES**

**314-5**

- A. Supervisors will insure that when the TASER is used by subordinate personnel that their reports properly articulate the usage of the TASER in their Offense/Incident and supplemental reports.
- B. First line supervisors will respond to the scene when a TASER has been deployed. The first line supervisor will notify the Watch Commander/Lieutenant when an TASER is deployed.
  - 1. In incidents where the device was improperly used, Supervisors will notify their Watch Commander, or if unavailable, their Area Commander of the alleged misuse. The Lieutenant will be responsible for notifying the Division Commander of the alleged misuse, and will forward a copy of the reports to the Division Commander. In the event of the alleged misuse occurring in a Division other than Field Services, the supervisor will notify their Lieutenant.

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C. Supervisors will direct personnel who have deployed the TASER to report to the Field Services Division Office at the Law Enforcement Center to download the TASER.

1. Downloading will be accomplished as follows;

- a. Upon the use of the TASER Deputies will respond within 72 working hours to the Field Services Division to accomplish downloading the TASER.
- b. Deputies assigned to Watches II and III will accomplish downloading during their on-duty time. Deputies assigned to Watch I will accomplish downloading at 0800 hours unless they are scheduled to appear in Court sometime within the 48 hours following a deployment. Watch I Deputies, who are scheduled for Court within this 48-hour time frame, will accomplish downloading while on Court overtime.
- c. When a TASER is deployed and the subject ~~is~~ sustains injuries, the supervisor will ensure that the subject is photographed, the scene is photographed to include the location of the AFIDs. The FI will collect and tag into evidence the AFIDs, cartridge(s) and probe(s) that were deployed.

**DEADLY FORCE/USE**

**314-6**

- A. The authorized tools that are available to a Deputy are intended to be used as defensive instruments to prevent an assailant from completing a potentially deadly act.
- B. A firearm is discharged with the primary intent to stop or incapacitate. To ensure maximum stopping effectiveness and minimal danger to innocent bystanders and non-participants, the Deputy should shoot at "center body mass" when discharging a firearm.
- C. In the performance of duty, Deputies are authorized to use deadly force, by any means, in order to:
  1. Protect the Deputy or others from what is reasonably believed to be an immediate threat of death or serious physical injury.
  2. Prevent the escape of, or to effect the apprehension of a fleeing felon where there is a reasonable belief the suspect poses a significant threat of death or serious injury to human life should escape occur.
- D. To provide guidelines for an appropriate interpretation of a fleeing felon who would pose a significant threat of death or serious injury, the following is provided:

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1. Suspect is armed and dangerous
  2. The suspect was armed and dangerous during the commission of a previously committed felony or the felony resulted in death or serious injury.
- E. Where feasible, some warning should be given prior to engaging in the use of deadly force.
- F. If a Deputy is the victim of an assault which might cause death or serious injury, he/she is not required to retreat, but may stand his ground and defend himself even to the point that deadly force is required, if the use of force would prevent death or serious injury. The rule of self-defense is applicable, regardless of the age or sex of the assailant.
- G. Deputies may utilize deadly force to safely destroy an animal that represents a threat to public safety, as a humanitarian measure where the animal is seriously injured and other alternatives have been exhausted, or when requested by animal control.
- H. Deputies will not intentionally place themselves in the path of a fleeing vehicle and then in self-defense, fire upon the vehicle or its occupants.
- I. Deputies will not discharge a firearm from a moving vehicle.
- J. Warning shots are prohibited.

**USE OF LESS LETHAL MUNITIONS**

- 314-7**
- A. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, Deputies should assess the situations where force is warranted. Deputies shall use only that force which is reasonably necessary to effect lawful objectives.
  - B. Deputies will only use less lethal force agents/munitions after receiving training and certification in their proper use, and according to Departmental training guidelines.
  - C. Every effort will be made by Deputies deploying the agents/munitions to inform other involved Deputies that a less lethal munition is being used.
  - D. The use of less lethal munitions is authorized when a suspect is placing Deputies or citizens in imminent threat of death or great bodily harm. The exception to this would be a suicidal subject who is threatening to harm himself and the risk of injury or the severity of injury from a less lethal response would be less than if the subject was allowed to harm himself.

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**FIREARMS SAFETY**

- 314-8**
- A. Firearms will be carried in a safe and secure manner. Horseplay, as well as flippant and careless behavior, is prohibited.
  - B. A Deputy may draw a firearm from a retaining device, with no intent to use it, when necessary to control a high risk situation, or take a felon into custody.

**REPORTING USES OF FORCE**

- 314-9**
- A. In instances where Deputies actions result in death or serious injury, the reporting and investigation process will be followed as outlined in the Deadly Force investigations section of this manual.
  - B. In all other instances where Deputies actions result in an injury, Deputies shall document the injury or alleged injury in the report of the incident.
    - 1. The Offense/Incident report will include a detailed description of the events leading to the necessity for the use of required action, the amount and type of action used, the nature and extent of injuries and treatment rendered to Deputies and subjects, the identity of combatants, Deputies involved, witnesses and medical personnel involved, and any additional pertinent information.
    - 2. If a Deputy is unable to write the report, the on-duty supervisor will ensure the necessary report is properly prepared and forwarded.
  - C. In all instances where deadly force is used or the discharge of a firearm occurs (other than in training or for recreational purposes) Deputies shall immediately notify their supervisor or the next available supervisor in the chain of command.
  - D. In all instances where an Conducted Electrical Weapon is deployed, (other than during training or for daily test deployment), Deputies shall:
    - 1. Immediately notify their supervisor or the next available supervisor in their chain of command.
    - 2. Complete an Offense and Incident report detailing the date, time, location, and events surround the deployment of the CEW.
    - 3. Complete an CEW Deployment Form.
    - 4. Complete a download of the CEW computer log within five

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working days of the deployment.

5. Turn in a copy of the CEW Download, Initial Offense and Incident Report and ERD Deployment Form to the Administration Section within five working days.

- E. In all instances where use of force is utilized (discharges a firearm, takes action that results in or is alleged to have resulted in injury or death of another person, applies force through lethal or less lethal weapons, or applies weaponless physical force) the Deputy shall complete the Use of Force Report Form.

**SUPERVISORY RESPONSIBILITIES**

- 314-  
10      A. In all instances where deadly force is used the supervisor will immediately notify the Internal Affairs Unit. The Division Commander, Chief Deputy, and Sheriff and Undersheriff will be notified.
- B. Supervisors will ensure that a written report is submitted in all instances where a firearm is discharged (other than in training or for recreational purposes).

**DEPARTMENTAL RESPONSE**

- 314-  
11      A. The Department shall conduct both a criminal and an administrative investigation of a deadly force incident.
- B. All reported uses of force shall be reviewed by the Deputy's supervisor and forwarded to Command Staff. The Command Staff shall have the discretion to forward the report to the Internal Affairs Unit to determine whether:
1. Departmental policies, rules, or procedures were violated.
2. The relevant policy was clearly understandable and effective to cover the situation.
3. Department training standards were effective and current.
- C. All findings of policy violations or training inadequacies shall be reported to the Sheriff for resolution and/or discipline.
- D. Appropriate medical aid will be provided after any use of force. This may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals. The deputy has the authority and responsibility to determine and request the appropriate medical care. All requests for medical aid, additional



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observations or application of first aid will be documented  
in the incident report by the deputy.

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### **315 TRANSPORTATION OF PRISONERS/PERSONS**

The Bernalillo County Sheriff's Department shall provide for the safety and security of any person being transported by personnel of this Department. This includes persons who have been arrested, or who are being transported for any other reason.

#### **RULES AND PROCEDURES:**

##### **315-1 TRANSPORTATION OF PRISONERS**

- A. Under no circumstances should one sworn personnel attempt to transport more than one violent person. If necessary, sworn personnel should not hesitate to pair up in transporting felony suspects or violent persons, making sure that their supervisor is made aware of their pairing up, and the patrol car not being used is properly parked and secured.
- B. At no point should a prisoner be handcuffed to any part of the vehicle during transportation to a facility.
- C. Prisoners that are confined to a wheelchair, in need of medical devices that would assist in their mobility or depending on the nature of illness, will be secured at the extent of the deputies discretion, if at all.
- D. Prisoners will be carefully searched for weapons, evidence, and/or contraband before they are transported. If possible, a prisoner will be searched by a sworn personnel of the same sex. If a sworn personnel of the same sex is not immediately available at the arrest scene, sworn personnel will search the outer garments, articles, and packages possessed by the prisoner.
- E. In the event that the prisoner is turned over to another unit for transportation, the transporting sworn personnel must take the same precaution, ensuring that a careful search for weapons or evidence was completed, prior to placing the prisoner in the second patrol car.
- F. In all cases where provided, seat belts will be utilized by each prisoner/passenger.
- G. If a prisoner is being transported in a two-man unit, the following procedures will be adhered to:
  - 1. With a protective cage, the prisoner will be handcuffed properly (behind the back, if possible, or using a belly chain or nylon waist restraint) and seat belted into the passenger rear side. The passenger sworn personnel will be seated in the passenger front seat of the vehicle.
  - 2. Without a protective cage, the prisoner will be handcuffed properly and seat belted into the right rear passenger seat. The passenger sworn personnel will be seated in the rear seat directly behind the driver.

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- H- If a prisoner is being transported in a one-man unit, the following procedures will be adhered to:
  - 1. With a protective cage, the prisoner will be handcuffed properly and seat belted into the right rear passenger seat.
  - 2. Without a protective cage, the prisoner will be handcuffed properly and seat belted into the right front passenger seat.
- I- In the event that a sworn personnel is transporting a person of the opposite sex (other than fellow sworn personnel) in the course of official business, he shall notify the Communications Center of the fact that a person of the opposite sex is being transported and shall:
  - 1. State the purpose of the transport, i.e. prisoner, witness, motorist assist, etc.
  - 2. State the location at which the person entered the vehicle.
  - 3. State the intended destination.
  - 4. State the current odometer reading.
- J- Upon reaching the destination, the Communications Center will be notified of the ending odometer reading. All intermediate stops shall also be similarly noted.
- K- Deputies will secure their firearms either in their unit or in the lockboxes provided at the booking facility.
- L- Upon arrival at the booking desk:
  - 1- Once all documents have been verified for accuracy and completeness all relevant documentation will be turned over to the booking officer from the receiving agency.
  - 2. The receiving agency will be notified when feasible of a prisoner/detainees potential medical or safety (security) risk, as well as supply any paperwork that the Deputy might have supporting that enhanced risk.
  - 3. The pre-booking slip will be provided to the intake/booking officer and this documentation confirms transfer of custody.
  - 4. The prisoner's restraints will be removed once the intake/booking officer has control of the arrestee.
- M- Once a prisoner has been removed from the transporting vehicle, a thorough search shall be made to ensure that no contraband/evidence has been hidden/concealed by the prisoner.
- N- In the event that a prisoner should escape from custody while

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en-route to booking, an immediate notification should be made to other units as well as to other agencies which may have jurisdiction in the area.

- Θ- Handcuffs or other restraints will always be used when transporting prisoners. Deputies may use discretion when extenuating circumstances, such as medical problems or disabilities, make it difficult to handcuff prisoners behind their back.
- P- Once a prisoner is placed into a patrol car for transport, they must remain under constant surveillance. Either the arresting officer or an assisting officer should keep visual contact with the prisoner at all times.
- Q- Deputies transporting prisoners/citizens should not make any attempts to perform other law enforcement functions except in an extreme emergency. If this occurs, they must take extra precautions to ensure the safety and security of their prisoner. If a stop becomes necessary, it should only be until other law enforcement officers arrive. Under no circumstances should they become involved in a pursuit or assist in one. See S.O.P. section on Pursuits.
- R- Deputies are under no obligation to let prisoners communicate with an attorney or other persons while they are being transported. In practice, communication with the prisoner should be minimized to prevent possible plans for escape or attack on the transporting Deputies.
- S- In the event that the transporting Deputies transfer a prisoner/detainee to court and or another agency while at court: the transporting Deputy will notify that designated law enforcement agency of the potential enhanced security risk. In the situations where there is a specific or potential risk present and the presiding judge implements additional safety procedures to ensure the safety of all parties involved: Deputies will adhere to those enhancements as long as there are no conflicts with current established department policies and procedure and or New Mexico State Laws.

**315-2 SIGHT AND SOUND SEPERATION**

- A. If male, female or juvenile prisoners are being transported together, the holding areas must be separated by sight and sound. This segregation is to ensure the separation of the detainee types for safety purposes.
- B. Juveniles will not be processed with adults or in the presence of adult prisoner or detainees. This is usually handled based on the location of the detention or holding facility, but in those instances that the holding facility houses both adults and juveniles, Deputies must adhere to the segregation policy.

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- C. Sound separation, for the purpose of this, is defined as normal/loud conversation, but doesn't include deliberate yelling or screaming. The prisoner/detainees that are yelling or screaming should be controlled by the monitoring Deputies.

**315-3 VIOLENT AND COMBATIVE PRISONERS**

- A. When an individual is taken into custody, Deputies will not utilize the Total Appendage Restraint Technique commonly known as "hog-tying".
- B. When Deputies are faced with violent, combative prisoners, they will follow the listed procedures:
1. Deputies will utilize the RIPP Hobble only when necessary to stabilize a violent individual from a demonstrated intent to injure himself or another.
  2. Deputies must guard against leaving the individual or allowing the individual to go to the chest down position as this could cause Positional Asphyxia.
  3. Deputies will check the Hobble prior to use in order to insure the Hobble is in good condition and the buckle and clip are working properly.
  4. Deputies will not utilize a passive restraint procedure by themselves. A minimum of two Deputies will be utilized.
  5. Deputies will only apply the Hobble as instructed.
  6. The prisoner will be moved to the "Downed Search" position (on his side), maneuvered to his knees, then placed in a sitting position after the Hobble is applied to ensure the prisoner has a clear unobstructed airway.
  7. The prisoner will then be placed in a patrol vehicle in an upright, seated position, and seat belted. Under no circumstances will a prisoner who is hobbled be allowed to remain in the faced down, prone position.
  8. The prisoner will be transported with a second Deputy in the vehicle. The secondary Deputy's responsibility is to ensure that the prisoner remains seated upright and maintains an open, clear airway.
  9. Prisoners who are Hobbled will always be transported with a second Deputy in the vehicle.
  10. Deputies will promptly notify the on-duty supervisor when the Hobble has been utilized.
  11. Deputies will seek immediate medical attention for the prisoner if signs or symptoms of cocaine psychosis, excited delirium or positional asphyxia are observed.

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- C. When Deputies are faced with prisoners who spit, have spat, or indicate they are likely to spit, the following procedures will be followed:
  - 1. Deputies encountering prisoners who spit will utilize the Department issued "Transportation Hood".
  - 2. Use of the Transportation Hood will be in strict accordance with proper training and techniques.
  - 3. The Transportation Hood will be placed over the head of the individual to prevent the transfer of saliva, sputum, blood or other fluids.
  - 4. The Transportation Hood is designed for single, one-time use and is not to be re-used. Once used, the Transportation Hood is considered a "Bio-Hazard" and will be disposed of in compliance with policies and procedures regarding the disposal of bio-hazardous materials.
  - 5. No other methods will be utilized to control or prevent this action. The Transportation Hood will only be used to deter spitting and will NOT be used for any other purposes.
  - 6. A detailed description of the use of the Transportation Hood will be included in the Offense/Incident Report.
  - 7. Each Division will be responsible for maintaining and issuing of the Transportation Hood.
  - 8. Training in the use of the Transportation Hood will be the responsibility of the In-Service Training Section of the Regional Training Academy.
- D. The use of the Bernalillo County Fire Marshal's Office is an additional option in these circumstances. Should a Deputy or supervisor deem it necessary to transport the prisoner on a back board, B.C.F.M.O. dispatch will be contacted.
  - 1. Upon notification of dispatch, a paramedic unit will be requested for transport of the violent/combatative individual.
  - 2. The prisoner will be restrained and secured to a "back board" device. A Deputy will remain with the prisoner while the paramedic unit transports them to the detention facility.
  - 3. An assisting Deputy will respond to the detention facility, following the paramedic unit, should additional assistance be needed.



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4. The prisoner will be released from the restraints only upon the arrival of both Deputies at the detention facility.

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Effective date: June 24, 2014

Effective date: May 22, 2012

### **316 BOOKING PROCEDURES**

The Department shall process prisoners through the Bernalillo County Metropolitan Detention Center (MDC), the Juvenile Justice Center (JDC), or the Prisoner Transport Center (PTC) in a thorough and efficient manner.

#### **RULES AND PROCEDURES:**

##### **316-1 CUSTODIAL BOOKING**

- A. Adult offenders arrested by Deputies will be booked into MDC or PTC. This will include all Federal, State, County, and City prisoners. Active duty military offenders wanted for A.W.O.L., desertion (etc.) or who are arrested solely for a military offense, may be turned over to military authorities at Kirtland Air Force Base. In all cases a report will be written. Juvenile offenders will be booked into the Juvenile Justice Center booking facility.
- B. Absolutely no knives, guns, ammunition or chemical agents will be accepted by MDC, JDC, or PTC personnel to be placed in the prisoner's property. These items may be tagged into evidence for safekeeping in accordance with evidence guidelines. Deputies will review and sign the arrestee's property inventory forms prior to leaving the facility.
- C. Deputies will complete the pre-booking form prior to arriving at the detention center.
- D. If an arrest is based on a warrant, the Deputy will specify on the pre-booking form the warrant number and the type of warrant; felony or misdemeanor.
- E. The arresting Deputy will determine and indicate on all applicable charging documents the offenses for all arrests in accordance with Department guidelines, state statutes, and county ordinances. Deputies will complete the appropriate traffic, misdemeanor citation(s) and a criminal complaint that are submitted to booking personnel.
- F. When additional charges are filed against an individual already believed to be in custody, the Deputy will notify the booking desk personnel in person to ensure that the offender is still in custody, that the right inmate is charged with the additional charge(s), and that the paperwork is properly administered. An initial or supplemental report will be completed.
- G. When required by the facility, Deputies will secure all weapons in their vehicles or in the lock boxes prior to entering the booking facility. Damaged lock boxes will be reported to the booking supervisor. The expandable baton, and OC spray are permitted to be carried by Deputies into the facility.

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- H. A thorough search of the prisoner will be conducted at the location of the arrest by the arresting or transporting Deputy. In the event the prisoner is a female, the search will be conducted by a female Deputy, if available.
- I. All prisoners being booked into a detention center will remain handcuffed until the booking process is completed, or upon authorization of the Detention Center supervisor staff.
- J. A subject who is being charged by the arresting Deputy with both a felony or felonies and a misdemeanor or misdemeanors will be booked on felony charge(s) only. The Deputy will articulate additional misdemeanor offenses in the narrative section of the original report or criminal complaint.
- K. In all cases where a Deputy, suspect or prisoner has been injured, whether such injuries are visible or not, photographs will be taken. All persons who resist arrest in any manner will be photographed. Additionally, Deputies will photograph all persons charged with Battery on a Police Officer and/or Aggravated Battery on a Police Officer.
  - 1. It is the responsibility of the arresting/reporting Deputy to ensure that photographs are taken.
  - 2. The photographs will be taken by a Field Investigator (FI), CSI Detective, or other personnel trained in crime scene photography. If the injuries to the Deputy or individual require medical treatment, the photographer will take the photographs at the hospital or other location where treatment is provided.
  - 3. The photographer will be responsible for preserving the images pursuant to established crime scene photography procedures.
- L. Injuries that may have occurred as a result of any action taken by the arresting Deputy(s) will also be documented on the Offense/ Incident Report Form.
- M. Injured arrestees shall be examined by MDC Medical Services Unit personnel, who shall make the decision as to whether the arrestee shall be accepted into the MDC facility, or taken to a hospital for treatment. If an arrestee is rejected for medical reasons, they shall be transported to U.N.M. Hospital by the Deputy who has custody of the prisoner. The Deputy will notify the on-duty supervisor of this development as soon as possible.
- N. Arrestees will remain the responsibility of the arresting or transporting Deputy until all booking/medical procedures are completed.
- O. After the booking process has been completed, the transporting Deputy will search their vehicle for evidence and/or contraband that may have been left by the prisoner prior to the Deputy

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leaving the parking area of the Detention Center.

- A. When booking arrestees at the PTC, Deputies will ascertain the location and status of the PTC prior to departing for that facility.
- B. Only uninjured adult arrestees will be transported to the PTC. Combative arrestees will be transported directly to MDC.
- C. Deputies will log their name, agency, and their arrestee's name as required by PTC personnel.

Effective date: May 22, 2012

Effective date: May 22, 2012



Effective date: October 10, 2016

**317**

Effective date: October 10, 2016

**EVIDENCE - CONTRABAND - FOUND PROPERTY**

The Department shall properly preserve evidence, contraband, and other found property in a safe, secure location. Property as described above will be maintained in an orderly manner where it may be retrieved as necessary for use in judicial proceedings, or returned to the owner(s) upon a lawful request.

**DEFINITIONS:**

**EVIDENCE**

Items that may aid in determining the truth during an investigation of a criminal or civil process.

**CONTRABAND**

Items which are illegal to possess.

**FOUND PROPERTY**

Items which are found by Department personnel or given to Department personnel because the owner cannot be located or is unknown.

**BIO-HAZARD**

Item which has been contaminated by human blood, body fluids or a hazardous chemical.

**RULES AND PROCEDURES:**

317-1

**EVIDENCE**

- A. All articles as defined above will be properly tagged and submitted to the Department Evidence room by the end of the sworn personnel tour of duty. Personnel handling evidence or other property will be accountable for the proper preservation and security of these items until they have been released to the Evidence Room.
- B. Evidence lockers will be provided at the sub-stations and the Law Enforcement Center. Evidence Technicians will pick evidence up from these lockers on a regular basis, and take them to the A.P.D. Evidence Room.
- C. A log will be maintained at each locker for entry of appropriate information on each item submitted.
- D. All items of evidence will be properly tagged and taken to the evidence room prior to any use by, or release to, any other sworn personnel.
- E. Items that have been contaminated by human blood or other

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body fluids will be considered a bio-hazard. These items will be tagged as such and be submitted to the Criminalistics Section for processing PRIOR to being submitted to the Evidence Room.

1. Items as described above will be tagged with a **BIO WARNING LABEL, AND BAGGED IN A BIO-HAZARD BAG.**
2. During normal working hours, properly tagged contaminated evidence will be taken directly to the Criminalistics Section for appropriate processing.
3. After normal hours contaminated evidence will be placed in the OSHA approved BIO-BIN located at the Criminalistics Section. If access cannot be gained to this facility, personnel from the Criminalistics Section **MUST** be called out to take custody of the items.
4. Once the evidence has been decontaminated, or otherwise processed by the Criminalistics Section, personnel of that section will tag the item into the Evidence Room.

- F. An evidence tag will be completed for each item submitted to the Evidence Section. Each tag must be completed legibly and to the fullest extent possible.

A notation in the evidence log must be made which completely details the information contained on the evidence tag.

Personnel tagging evidence must comply with all instructions given by Evidence personnel regarding proper packaging and submission.

- G. Evidence which is sensitive and must be protected from contamination, (such as evidence which will be processed for fingerprints or other trace evidence), **MUST** be tagged and packaged to preserve its integrity.
- H. Documents, audio, and video tapes will be tagged separately to facilitate transcription and storage. Audio tapes must be packaged in a white #10 envelope. Video tapes should be packaged in a plastic bag. The evidence tag is then attached to the envelope or plastic bag.
- I. When firearms are placed into evidence it is the responsibility of the person tagging it to ensure that the weapon is in a safe condition. If they are not familiar with the operation of the weapon, they should request the assistance of other qualified personnel who may then render the weapon safe. The weapon should be tagged and then prepared for submission with the action or cylinder in an open/safe position.

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1. Unless the weapon is being processed for trace evidence, it will not be placed in a plastic bag.
  2. Firearms will not be disassembled prior to being submitted.
  3. If more than 12 rounds of ammunition are seized with a firearm they may be tagged separately from the weapon.
  4. Spent casings will be bagged separately from other ammunition.
- J. Knives with folding blades will be submitted with the blade taped closed unless doing so will destroy potential evidence. If they are stored with the blade open, care must be taken to prepare them so that the risk of injury is minimized (wrapped in cardboard or other protective material).
1. Knives with fixed blades will be sheathed if available or the blade wrapped in protective material as described above.
- K. All syringes will be placed in the proper size syringe tube before being submitted to evidence. Syringes not needed for evidence will be marked for **DESTRUCTION** and be placed in a **BIO-HAZARD** barrel or sharps container located at any of the substations. Area Commanders will be responsible for the proper disposal and replacement of Sharps containers, as needed.
- L. Marijuana, cocaine and heroin must be tagged-in separately when accompanied by requests for analysis. If drugs or drug paraphernalia are not needed as evidence they must be marked for **DESTRUCTION**. Requests for analysis can be completed by the Deputy and sent through interoffice mail.
1. Narcotics or other drug evidence will be sealed in plastic evidence bags and the person making the seizure will place their initials and the date across the seal using a permanent marker.
  2. Un-dried marijuana leaves will not be sealed in plastic bags. They **MUST** be placed in paper bags or boxes and the containers marked "**GREEN MARIJUANA**".
  3. Drug laboratory items (beaker, test tubes, funnels, chemicals, etc.) **MUST NOT** be placed in the Evidence Room until they have been inspected by Criminalistics personnel. During regular business hours these items will be taken to Criminalistics for examination. For items recovered after regular hours, Criminalistics personnel **MUST** be called out to inspect them.

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- M. If containers of beer or other alcoholic beverages are tagged into evidence and the contents are not needed, the fluid should be emptied in the presence of another witness and appropriate notes made on the initial incident report. Beer kegs should be photographed if needed for evidence.
- N. If vehicle license plates are confiscated, and are not needed for evidence, they should be placed into a box provided at the sub-stations. They will then be transported by a C.S.A. to the Department of Motor Vehicles.
- O. All money received will be counted by the collecting Deputy and by a second Deputy, for verification. The second Deputy will initial the "verified" box on the evidence tag. All monies tagged into Evidence will be placed in the designated "drop box" only.
- P. Items that do not fit into a regular evidence locker will be placed in the area behind the evidence lockers. The on-call Evidence Technician will be called out to take custody of items that require the use of a truck/van for transport.
- Q. Money that has been seized as evidence will be deposited in a specially designated bank account seven (7) days after receipt by the Evidence Room.
  - 1. "Marked Monies" shall be maintained in evidence in its original condition when requested by the investigating Deputy, otherwise, it shall be deposited according to guidelines established by the District Attorney's Office. The investigating Deputy is responsible for making reduced (50% normal size) copies of any money needed as evidence. All money collected in any individual case will be consolidated by ownership.
  - 2. Coin Collections and monies with a numismatic value greater than the face value shall be maintained in Evidence in the condition received.
  - 3. The owner(s) of any monies as designated above shall be notified when they may be released. They shall be notified by Certified Registered Mail, Return Receipt Requested, within ten (10) working days after authorization for release has been received from the District Attorney or other appropriate authority.
  - 4. Notification shall be prepared by the Department's Evidence Custodian for signature by the Sheriff or his designee.
  - 5. The owner(s) shall have thirty (30) days from the day of receipt of notification to contact the Evidence Custodian to claim the money.

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6. All monies returned will include any interest that may have accrued, and will be by check, (unless the money is as described above and has a greater than face value) endorsed by two (2) authorized signatures.
7. All bank records shall be maintained by the Support Services Division.

**MONEY SEIZURE**

**317-2**

- A. Money may be seized for the purposes of forfeiture proceedings pursuant to the Forfeiture Act, 31-27-1 et seq NMSA 1978, money may only be seized under the following circumstances. These guidelines do not apply to monies/items in conjunction with a federal investigation or by a federal agency:
  1. \$2,000 cash or more WITH a narcotics related arrest or probable cause exists for a narcotics related arrest.
  2. \$10,000 cash or more WITHOUT proper documentation.
- B. If the above qualifications are met and money is to be seized the following procedures will be followed:
  1. The CSI Supervisor will be contacted.
  2. The CSI Supervisor or their designee will be responsible for responding to the scene.
  3. The CSI Supervisor or their designee will be responsible for making the determination if the money is to be seized pursuant to state guidelines.
  4. The CSI Supervisor or their designee will conduct a count of the currency which will be witnessed by another Supervisor and will document the amount in a supplemental report.
  5. The CSI Supervisor or their designee will be responsible for seizing the currency and completing the necessary paperwork for District Court. The necessary paperwork includes:
    - a. Petition for Deposit
    - b. Order for Deposit
- C. The CSI Supervisor or their designee will compile a police report and pertinent documentation including a petition for deposit and order for deposit, and will provide the documentation to the County Attorney's Office at the first available opportunity, but not to exceed three (3) business days.

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- D. The CSI Supervisor or their designee will provide any assistance requested by the County Attorney or his designee so that the County Attorney can, pursuant to the NM Forfeiture Act, NMSA Section 31-27-5(A), within 30 days of a seizure, can file a complaint for forfeiture.
- E. If the County Attorney or his designee does not file a complaint for forfeiture within 30 days of a seizure and the money remains deposited at the office of the District Court Clerk, the CSI Supervisor or his designee will provide any assistance requested by the County Attorney so that the County Attorney or his designee can ask the Court to release the monies/items to be returned to the person from whom it was seized.

**REJECTED EVIDENCE**

**317-3**

- A. Any item tagged into evidence which is improperly packaged or where the evidence tag is improperly completed will be "Rejected". Rejected evidence will be taken to the Metropolitan Evidence Unit facility along with all other collected evidence.
- B. A "Rejected Evidence Notice" will be submitted to the supervisor of the concerned Deputy, detailing the reason for rejection. Rejected evidence must be corrected within twenty-four (24) hours of receipt of the Rejected Evidence Notice.

**RELEASE AND DISPOSITION OF EVIDENCE**

**317-4**

- A. No item of evidence, contraband, or found property will be released or destroyed without written authority to do so from the District Attorney or Court of competent authority. A copy of letters of authorization will be placed in the case file.
- B. Items of evidence that are removed from the Evidence Room will be signed for. If items are removed for court presentation they must be returned to the Evidence Room unless a receipt for them has been obtained from the prosecutor or judge.
- C. All personnel will ensure that the proper chain of custody is maintained for all evidence, and that appropriate signatures and dates are recorded on all transactions.
- D. Items returned from the court will have the case disposition noted on the back of the evidence tag.
- E. If items are tagged into evidence for destruction, this must be noted on the evidence tag.

**RAPE KITS**

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**317-5**

- A. SAEKs collected in situations where a Detective has been notified and/or called out will be kept in custody of the Albuquerque SANE which is housed at 625 Silver NE the Family advocacy center-FAC. All evidence collected and preserved by the nurse(s) at Albuquerque SANE are collected with medical evidence collection and preservation in mind. The after-hours phone for SANE is 505-884-SANE. If no one answers the Special Victims Unit supervisor will be notified.
  - 1. Upon collection of the aforementioned evidence, the SANE nurse will obtain the BCSO case number associated with the case and tag all evidence into the OIM and place it in a secured location (currently lockers at the FAC) as designated by the FAC for collection by APD evidence technicians.
  - 2. Evidence will then be secured from lockers at the FAC by APD evidence technicians and transported to the APD evidence lab at 5320 2<sup>nd</sup> St NW, where it is warehoused and kept for further review and testing.
- B. The Violence Against Women Act requires all US State, territories, and tribal governments to certify that sexual assault victims in their jurisdiction have access to a medical forensic examination regardless of whether they personally report to law enforcement. This means that an examination will sometimes be conducted with a victim who has not yet made a decision regarding whether or not to participate in the law enforcement investigation.
  - 1. SAEKs collected without law enforcement involvement (i.e. no FSD Deputy or Detective has been notified of a sex crime) are collected only through the nurses at the Albuquerque SANE location at 625 Silver NE, using the same forensic procedures established for evidence collection and preservation.
  - 2. All SAEKs (Sexual Assault Evidence Kits) collected without law enforcement involvement are tagged under an annual case number assigned to Albuquerque SANE. The SAEK's are then given an internal code to designate them from one another under this general case number.
  - 3. If the victim later chooses to involve law enforcement, specifically, BCSO SVU in their case the kit will be collected at the APD evidence lab by a designated SANE nurse and the evidence will be re-entered into OIM with a BCSO case number.
  - 4. Of the SAEKs that are collected by SANE under the



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annual case number and receive no law enforcement involvement after one year, the kit is then destroyed and cannot be retrieved by a victim in their case. In cases where a victim comes forward after a year of having a SAEK with SANE and the SAEK has been destroyed, the case will still be worked by the Special Victims Unit and will rely on narrative statements and any other evidence that still remains functional.

- C. BCSO Special Victims Unit detectives will work their respective Criminalistics Detective assigned to the case to insure the evidence testing work order is completed to have the testing of any physical or trace evidence in a case tested against known standards in CODIS.
  - 1. Criminalistics Detectives from CSI are the only personnel to pick up evidence from the APD evidence lab and transport it to the state lab in Santa Fe, NM for forensic testing.
  - 2. Criminalistics Detectives will be responsible for maintaining the chain of custody of said evidence between the APD evidence lab and the State of New Mexico lab to insure integrity in the chain of custody of this evidence.
  - 3. Criminalistics Detectives will be the primary line of communication for the evidence technicians in Santa Fe as they have been the primary handlers of the evidence prior to its testing during collections.
- D. The following items **WILL NOT** be accepted into the Evidence Room:
  - 1. Perishable food items
  - 2. Any item which contains volatile fuel
  - 3. Fireworks or other explosives
  - 4. Live or dead animals
  - 5. Body parts
    - a. The only exception to this is "product of conception" evidence from abortions, in which there may be evidence tested to prove paternity/suspect evidence. The "product of conception" will be taken to the state lab for testing and not entered into evidence at the APD evidence lab.
  - 6. Items that could be returned to the owner, i.e.,

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Property recovered from a shoplifting, larceny, or other incident where the item is not needed as evidence.

**PRESERVATION OF IMAGES, DIGITAL OR FILM BASED**

**317-6** The purpose of the Standard Operating Procedure is to establish guidelines for the proper collection, handling, processing, storage, and preservation of images, either film based or digital based, by the Crime Scene Investigations Unit and Field Investigators. The important thing to remember is that a digital image used in a legal context is evidence and must be treated as such. The goal of any effective image-tracking procedure should be to eliminate the opportunity for unauthorized persons to access images, thus avoiding the argument that someone could have altered or substituted any image.

This order applies to all members of the Crime Scene Investigations Unit and Field Investigators.

It is of the utmost importance that images documenting crime scenes be preserved to maintain their integrity as evidence. With the advent of digital technology, it is even more imperative that all measures be taken to preserve the chain of evidence, and to provide images to investigators and prosecutors in as timely a manner as possible.

**DEFINITIONS:**

**Crime Scene Investigations Unit**

A Unit within the Criminal Investigations Division, which handles all the video and photographic needs of the department.

**Crime Scene Investigator**

Member serving in the Crime Scene Investigations Unit, under the supervision of the Crime Scene Investigations Supervisor.

**Crime Scene Investigations Supervisor**

The supervisor of the Crime Scene Investigations Unit, under the supervision of the Criminal Investigations Lieutenant and Captain.

**Archive Image**

Either the primary or the original image stored on media suitable for long-term storage. This may include original and duplicate images.

**Artifact**

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Any image or information not present in the primary or original image which is inadvertently introduced by image processing.

**CD**

Compact Disc. An electronic encoded computer disc used for the digital recording of data.

**CD-R**

A write once only compact disk that cannot be over-written.

**CD-RW**

A write/rewrite compact disk that can be over-written.

**Digital Camera**

A device that captures and stores images utilizing a computer disc or other storage media.

**Digital Image File**

A record that includes image data and related data objects.

**Digital Images**

Any visual data stored in a format that may be accessed/used by a computer, generally in numerical form or binary code. By definition, all digital photographs are digital images.

**Digital Photography**

The process of capturing and recording a visual image which is stored in a digital (numerical or binary) form.

**Duplicate Image**

An accurate and complete replica of an original image, irrespective of the media.

**Flash Cards**

An intermediary storage device used by some digital cameras for the capture of primary images.

**Floppy Disk**

An intermediary storage device used by some digital cameras for the capture of primary images. The typical size utilized is 3.5 inches.

**Image Analysis**

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The extraction of information of an image beyond which is readily apparent through visual examination, i.e. un-sharp masking, multi-imaging averaging or integration, and Fourier analysis.

**Image Enhancement**

Any process intended to improve the visual appearance of an image, including, but not limited to, cropping, dodging, burning, color balancing, and contrast adjustment.

**Image Transmission**

The act of moving images from one location to another electronically. An example would be e-mail.

**Image Verification**

A process by which the individual who captured the original image or was present at the time the original was captured identifies an image as a true and accurate representation without alteration.

**Item of Evidentiary Value**

Any piece of evidence, visual documentation, or other item with intrinsic value intended for use as evidence in a criminal investigation or intended to be viewed within context of the criminal justice system.

**JPEG**

Joint Photographic Experts Group. JPEG is a glossy compression technique for color images. Although it can reduce files sizes to about 5% of their normal size, some detail is lost in the compression.

**Native File Format**

The file format of the primary image.

**Original Image**

An accurate and complete replica of the primary image, irrespective of the media the image is stored on. For those cameras using CD technology, the original and primary image will be the same. For those cameras using flash card technology, those primary images transferred directly from the flash card to permanent media will be considered original images.

**Permanent Media**

A long-term storage media designed to contain digital information, such as a DVD, CD-R, computer server, etc.

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**Primary Image**

The first instance in which an image is recorded onto any media.

**Processing**

The means by which an image is subjected to (including but not limited to) image enhancement and or analysis.

**RAW**

Is not an abbreviation but literally means "raw" as in "unprocessed." RAW file contains the original image information. It is an image output option available on some digital cameras. It is a factor of three of four smaller than TIFF files of the same image.

**Temporary Media**

A digital image storage device that is designed for repetitive use by allowing information to be removed from the media. Examples are 3.5-inch floppy disks, flash cards, or CD-RW disks

**TIFF**

Tagged Image File Format. It is graphics file format created in the 1980's to be the standard image format across multiple computer platforms. The TIFF format can handle color depths ranging from 1-bit to 24-bit. It is a file format used for still -image bitmaps, stored in tagged fields.

**RULES AND PROCEDURE:**

**SYSTEM SECURITY**

**317-7**

- A. Crime Scene Investigators and Field Investigators will maintain a Chain of Custody log of memory cards received by entering the case information provided by the submitting member. This information will include the Case number, location, offender, date taken, victim information and offense. The log will be in the form of a computer database.
- B. Access to all hardware and software utilized by the Crime Scene Investigations Unit to record, manage, store, and process images will be restricted to the Crime Scene Investigations Unit Detectives and Field Investigators, along with the Crime Scene Investigations Supervisor.

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- C. Passwords will be required on all computers, to gain entry / access, for network connections, and sensitive software applications.
- D. No Original Digital Images will leave the photo database without due process of law, and with the expressed authorization of the Crime Scene Investigations Division Commander.
- E. It will be the sole responsibility of Crime Scene Detectives and Field Investigators to download digital images to the photo database located at each sub-station and the Crime Scene Investigations Office.

**DIGITAL IMAGE FILES**

- 317-8
  - A. Images will be stored in the Sheriff's Department secure database.
  - B. Only copies of the original digital images will be transmitted.
  - C. There will be "NO" alterations done to any original digital image.

**DISTRIBUTION OF IMAGES**

- 317-9
  - A. A service request will be filled out to receive any copies of digital images from any case.
  - B. Copies will be made by locating the original digital images on the database and copying them to a CD.
  - C. Only Crime Scene Investigators and the Sergeant of the Crime Scene Investigations Unit can make copies of digital images for distribution.
  - D. Access to the Database is limited to Crime Scene Investigators and Field Investigators.
  - E. A fee for digital image files created for private attorneys, citizens, insurance companies, and any others will be charged to the requester at a rate established by the Sheriff's Department.
  - F. Persons receiving images in any form from the Crime Scene Investigations Unit must present proof of identity, unless that person is known to the Crime Scene Investigations Unit.

**EQUIPMENT MANAGEMENT**

- 317-10
  - A. The Crime Scene Investigations Unit will be responsible

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for the digital equipment used to burn or copy digital images.

- B. The Crime Scene Investigations Unit will maintain a record of all digital equipment that is assigned to the Crime Scene Investigations Unit.
- C. The Crime Scene Investigations Unit will assist in the gathering of information for research and planning of technologies and or equipment to provide the most efficient and up to date operation possible.

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**318 EMERGENCY/HOSPITALS/AMBULANCE**

The Department shall assist citizens in need of medical aid and/or emergency shelter.

**RULES AND PROCEDURES:**

**318-1 EMERGENCY AID**

A. In emergency medical situations, Department personnel shall normally render only that degree of care necessary to sustain life, prevent or control shock, and prevent further harm based on each Deputy's training and abilities. Medical aid to victims will be provided based on the following qualifiers:

1. To administer first aid, the Deputy has been qualified by completing a Department approved First Aid Course within the time limit specified for certification.
2. To administer Cardiopulmonary Resuscitation (C.P.R.), the Deputy has been C.P.R. certified within the time limit specified for certification.

**318-2 ARTIFICIAL RESUSCITATION**

A. If the above condition has been met, the Deputy shall perform artificial resuscitation, if necessary, using the issued resuscitation mask. Artificial resuscitation may be performed if the mask is unavailable.

**318-3 SERIOUS INJURY**

A. In cases of serious injury, illness, or suspected death, personnel shall immediately request County or City rescue, depending upon the location of the incident. Transportation of victims will be provided by Departmental personnel only in extreme emergencies. Personnel will have Communications make every attempt to contact next of kin to advise them of the nature of the injury/illness and the location of the victim.

**318-4 U.N.M.H. LIFEGUARD HELICOPTER**

A. Lifeguard I from the University of New Mexico Hospital is available for evacuation of critically injured or ill victims when extraordinary conditions exist.

**318-5 ALBUQUERQUE AREA HOSPITALS**

- A. Level - I Trauma : University of New Mexico Hospital, 2211 Lomas NE.
- B. Level - II Trauma: Presbyterian Hospital, 1100 Central SE.  
St. Joseph's Hospital, 400 Walter NE.



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C. Other Albuquerque Area Hospitals:

1. Kaseman Presbyterian Hospital; 8300 Constitution NE.
2. St. Joseph's Northeast Heights Hospital; 4701 Montgomery NE.
3. Lovelace Medical Center; 5400 Gibson SE.
4. Kirtland Air Force Base Hospital; K.A.F.B.
5. Presbyterian North side Hospital; 5901 Harper NE.
6. St. Joseph's West Mesa Hospital; 10501 Golf Course NW.
7. Veteran's Hospital, 2100 Ridgcrest SE.
8. Memorial Hospital, 806 Central SE.

**318-6 AMBULANCE SERVICES**

- A. Deputies may request an ambulance respond to the location where there is a need that is established by the Deputy on-scene.

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Effective date: February 03, 2005

Effective date: February 03, 2005

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Effective date: February 03, 2005



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### **319 CONFIDENTIAL FUNDS**

Confidential Funds are those monies allocated to Department personnel for the purpose of establishing and/or furthering a criminal investigation. These funds should only be allowed when the particular merits of an investigation warrant the expenditure of these funds. Confidential funds will be maintained at the HEAT Unit. Confidential funds may be utilized for:

- A. Purchase of Services (P/S): This category includes travel or transportation of an informant; an effects to create or establish the appearance of affluences, such as meals, beverages, or similar expenses (including buy money and flash rolls) for undercover purposes, and needed equipment within reasonable limits.
- B. Purchase of Evidence (P/E): This category is for the purchase of evidence and/or contraband, such as narcotics and dangerous drugs, firearms and stolen property; or that required to determine the existence of a crime or to establish the identity of a participant of a crime.
- C. Purchase of specific information (P/I): This category includes the payment of monies to an informant for specific information.

### **319-1 SUPERVISORY RESPONSIBILITIES**

Confidential funds are subject to prior approval by a supervisor. Such approval will be based on finding they are a reasonable and necessary element in a criminal investigation. In this regard, supervisors must ensure that the controls over disbursement of confidential funds are adequate to safeguard against the misuse of such funds. Any funds exceeding the amount of \$10,001 and over will be approved by the Sheriff or Sheriff's designee.

- A. The supervisor of the unit shall be notified of funds used for the purchase of services, evidence or information. In the instances where an informant is being utilized, such notification, Detectives must specify the evidence or information to be received, the amount of expenditures, and the control number of the informant.
- B. Informant files are confidential files of the true names, assumed names, and signature of all informants to whom payments of confidential expenditures have been made. Informant files must be maintained in a secure location, accessible only to the Narcotics Commander, or his designee.
- C. The supervisor will insure the detective receives a receipt from the informant for services. No cumulative or anticipatory receipts are permitted. Once the receipt has been completed, no alteration of the receipt is allowed. At

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minimum, informant receipts will contain the following information:

1. Inscribed or typed, "Bernalillo County Sheriff's Department."
  2. A description of the information/evidence received.
  3. The amount of payment, both numerical and written format.
  4. The date on which the payment was made.
  5. The signature of the informant. Initials are not permitted.
  6. The signature of the case agent or officer making payment.
  7. The signature of at least one other officer witnessing the payment.
- D. Supervisors shall evaluate the information received in relation to the expense incurred, and will randomly compare the informant signatures on receipts with the informant signature on file.
- E. Supervisors will reconcile the confidential fund with detective's monthly expenditures reports on a monthly basis. Once submitted, any alteration will be initialed by the detective and first-line supervisor. It is not permissible to erase, redact or block any information on a submitted expenditure report. Expenditure reports shall be retained and available for inspection for a period of seven years.
1. The Narcotics Commander will audit the confidential funds account quarterly and provide documentation in a written memorandum to the CID Division Commander noting the results of such audit.
  2. An Audit of the confidential funds account will be conducted whenever the narcotics Sergeant has been replaced.
- F. Supervisors will insure specific records are maintained pertaining to each confidential fund transaction. Such records will be logged into the confidential fund ledger.
- G. In exercising his/her authority to approve confidential fund expenditures, the supervisor should consider:
1. The significance of the investigation.
  2. The need for this expenditure to further the investigation.

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3. Anticipated expenditures in other investigations. Funds for P/E, P/I, and P/S expenditures should be advanced to the officer for a specific purpose.

### 319-2 INFORMANTS

Cooperating individuals may be utilized by the department to further a criminal investigation, and may be classified as anonymous tipsters, concerned citizens, confidential informants, reliable confidential informants, and juvenile informant. In every instance, personnel will make all effort to corroborate the reliability of source and assesses his/her basis of knowledge.

- A. Confidential Informant (CI): Any non-law enforcement person who, by reason of their familiarity or close association with criminals, supplies regular or constant information about criminal activities to member, or is paid to supply information about criminal activities to a member, or is paid to supply information or makes a controlled "buy" (i.e., stolen property, controlled substances, ext.)
- B. Confidential Source: Any individual stipulating confidentiality, who is willingly providing intelligence or investigative information on a "one time" basis, or responding to questions during a field interview, or in a custodial interview.
- C. Reliable Confidential Informant (RCI): A confidential informant who has furnished information in more than two separate matters, who has been found to be credible through independent sources and investigation, and has satisfactorily fulfilled all other criteria.
- D. Juvenile Informant: A person, under the age of eighteen (18) years, who, by reason of their familiarity or close association with criminals, supplies regular or constant information about criminal activities to a member, or is paid to supply information, or receives a recommendation of reduced charges for confidential information, or makes a controlled "buy" (i.e., stolen property, controlled substances, ect.)
- E. The reliability and basis of knowledge for any given informant will be constantly assessed by the initial detective, first line supervisor, and Narcotics Commander. If any informant is to be untruthful, in an active status, they will be immediately be terminated for use and declare as an "Undesirable Informant". Under no circumstance will this informant be used or re-activated. Narcotics Commander will make the final decision.
- F. The declaration of Undesirable Informant may include but is not limited to such acts as:
  1. Using the department to further criminal goals.
  2. Providing false or misleading information to detectives.
  3. Committing an act which could endanger the life of safety of law enforcement officers.
  4. Reveal the identity of law enforcement officers to

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criminal associates or suspect, or in any other manner compromise an official investigation.

- G. Substantial Assistance Agreement: An agreement between the prosecuting attorney and a defendant in which the government may move the sentencing court to reduce or suspend the sentence of a defendant who is convicted of a violation of criminal law or pursuing a plea bargain and provides assistance to the government in identifying, arresting, or conviction of any of the defendants accomplices, accessories, co-conspirator, principals, or any other person engaged in violation of state or federal law. The role of the lead investigator is to report or the prosecuting attorney on either the successful conclusion of the agreement or the informant's unwillingness to fulfil it.

### 319-3 INFORMANT FILES

A separate file should be established for each informant for accounting and auditing purposes. Informant files should be kept in a separate and secure storage facility, segregated from any other files, and under the exclusive control of the Narcotics Commander. These files will be locked at all times when left unattended. The Narcotics Commander, or designee, will insure access to these files be limited only to those employees who have a necessary and legitimate need. An informant file should not leave the immediate area, except for review by a narcotics supervisor, or the handling detective, and should be returned prior to the close of business hours. A sign-out log will be kept indicating the date, informant number, time in and out, the printed name of the person reviewing the file, and the signature of the person reviewing the file.

- A. Personnel having a need to review an informant file other than a narcotics supervisor or the case agent may do so, with the approval of the Narcotics Commander. In these instances, the request for review will be in writing to the Narcotics Commander, and a copy placed in the informant file.
- B. Only under rare and extraordinary circumstances will access to informant files be provided in regard to a review of confidential fund expenditures. When access to the true name of confidential informants is necessary, appropriate steps to protect this sensitive information must and will be taken by the department, recipient and auditing agency. Any such access, other than under a court order or subpoena pursuant to a bona fide criminal investigation, must be approved by the Division Commander or higher.
- C. Informant files will include the following:
1. Informant Payment Record kept on top of the file. This record provides a summary of payments to the informant.
    - a. The Informant Payment Record will list the date of payment, the amount of payment, the evidence or

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information purchased.

2. Informant Establishment Record, including complete identifying and locating data, plus any other documents connected with the informant's employer and residence.
3. Current photograph and fingerprint card (or FBI/State Criminal Identification Number)
4. A completed Cooperating Individual Agreement.
5. Receipts for payment of P/S, P/I, or P/E.
6. Debriefing Reports:
  - a. An audit of informants will be conducted semi-annually for active informants, or when an informant is deactivated.
  - b. An informant not being used within a year will be inactivated and require new establishment prior to use.
7. Copies of case initiation reports bearing on the utilization of the informant.
8. A search of available criminal databases for the informant will be conducted.
9. Any administrative correspondence pertaining to the informant, including documentation of any representations made on his/her behalf, or any other non-monetary considerations, such as an agreement with the District Attorney's Office, Corrections Department or Department of Probation and Parole.
10. Any deactivation report or declaration as an Undesirable Informant.

**319-4 INFORMANT MANAGEMENT**

All persons who will be utilized as informants should be established as such. The specific procedures required in establishing a person as an informant should, at a minimum, include the following:

- A. Assignment of an informant number to protect the informant's identity. This number will be in the following format:
  1. XX (the last two digits of the year), "H" (HEAT Unit)-000(sequential number). For example, the first informant documented in the year 2014 will be referred to as: BC-12-001, 14-H-001, the second as 14-H-002, and so on.
  2. Under no circumstance will an informant be provided with a different informant number, even if there is a substantial

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break in services.

- B. The narcotics commander will maintain a bound (non-removable pages), informant code book with the following information:

- ~~1-~~ Informant's number and date of approval.
- ~~2-~~ Informant's true name.
- ~~3-~~ Name of establishing law enforcement officer.
- ~~4-~~ Date of de-activation.
- ~~5-~~ The informants alias-

- C. Review of all active status informant files will be conducted by the Narcotics Commander on a quarterly basis to assure they contain all relevant and current information. Where a material fact that was earlier reported is no longer correct (a change in criminal status, location of residency, etc.), a supplemental record will be submitted with the correct entry.

**319-5 UTILIZATION OF INFORMANTS**

- A. Two detectives must be capable of contacting an informant. Two detectives will be present during all contacts with an informant unless otherwise approved by a supervisor. However:

- ~~1-~~ When dealing with informants of the opposite sex, two detectives will always be present.
- ~~2-~~ The use of juvenile informants is a rarity. Should the use of a juvenile informant occur the following special precautions should be taken:
  - a. The juveniles parent or legal guardian must approve and sign the Confidential Information Packet.
  - b. The use of the juvenile informant must be approved by the Criminal Investigations Division Commander or the designee.
  - c. The safety of the juvenile must be taken into consideration at all times.

- ~~3-~~ Two detectives will always be present when providing an informant currency.

- ~~4-~~ Whenever possible, informants should be utilized to introduce law enforcement personnel for the purpose of making a controlled substance purchase.

- B. Informants will be searched before and after conducting a controlled purchase of evidence.

- C. A surveillance log will be completed anytime an informant is utilized under controlled circumstances.

- D. An informant who steals official funds or narcotics during a

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controlled purchase will be arrested and subsequently declared an Undesirable Informant.

#### **319-6 PAYMENT TO INFORMANTS**

Any person who is to receive payment(s) charged against the confidential expenses fund will be established as an informant. This includes persons who may otherwise be categorized as concerned citizens or informants under control of other agencies. The amount of payment should be commensurate with the value of services and/or information provided and should be based on the following factors:

- A. The level of targeted individual, organization, or operation.
- B. The amount of the actual or potential seizure.
- C. The significance of the contribution made by the informant to the desired objectives.
- D. There are various circumstances in which payments to informants may be made:
  1. Payments for information and/or active participation. When an informant assists in developing an investigation, either through supplying information or actively participating in it, he/she may be paid for his/her service. Payments for information leading to seizure, with no defendants, should be held to a minimum.
  2. Payments to Informants of another agency. To use or pay another agency's informant, he/she should be established as an informant by the Sheriff's Department. These payments will not be a duplication of a payment from another agency; however, sharing a payment is permissible.

Document of payments to informants is critical and should be accomplished on a receipt. Payment will be made and witnessed by two law enforcement officers and authorized payments amounts should be established and reviewed by at least the first-line supervisor. In unusual circumstances, and with prior supervisory approval, an officer from another law enforcement agency may serve as a witness. In all instances, the original signed receipt must be submitted for review and record keeping.



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### **320 CRIME SCENE PROCESSING**

The Department shall fully investigate all violent crimes occurring within the unincorporated areas of Bernalillo County. These crimes include but are not limited to Aggravated Assaults, Aggravated Batteries, Robberies, Homicides, Missing Persons, Sexual Assaults, and the Abuse, Neglect or Exploitation of Children and Facility Residents.

The Department will consistently commit all of its available resources to recover physical evidence from all violent crime scenes leading our investigators to the best possible conclusions. The Departments sworn personnel will consistently extend their best efforts to keep abreast of, and utilize, the latest developments in the field of crime scene processing. Deputies responding to and investigating violent crimes must continually commit themselves to complete the most comprehensive investigation they can with the resources and information which they have available. Deputies must also collect all available physical and testimonial evidence using only those methods which will make this evidence readily acceptable for prosecution use.

#### **DEFINITIONS:**

##### **FIRST RESPONDER**

This is the first sworn Deputy to arrive at the scene regardless of rank. Policy written under this heading applies to all personnel regardless of assignment.

##### **FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

##### **ON-CALL INVESTIGATOR**

The Investigator(s) who responds to the scene.

##### **INVESTIGATIVE SUPERVISOR**

For the purposes of this section "Investigative Supervisor" will include the On-Call supervisor from the Criminal Investigations Division.

##### **ON-CALL CRIMINALISTICS INVESTIGATOR**

The Criminalistics Investigator(s) who respond to the scene.

##### **LEAD INVESTIGATOR**

The On-Call Investigator will normally be considered the Lead Investigator. The Violent Crimes Supervisor may appoint any Investigator they deem fit as the Lead Investigator. In the event that anyone other than the On-Call Investigator is

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appointed Lead Investigator, the Violent Crimes Supervisor will make this selection known to all personnel of the investigative team.

**INVESTIGATIVE TEAM**

Sworn personnel of the Criminal Investigations Division assigned to the case.

**RULES AND PROCEDURES:**

**320-1 FIRST RESPONDER**

- A. The first Deputy to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction or contamination of evidence.
- B. If the situation is handled by Field Services Deputies without the assistance of personnel from the Criminal Investigations Division, the Deputies will file a full and complete report prior to the end of their shift. In the event that any evidence is collected (including photographs) Deputies must collect this evidence using only those methods which will make this evidence readily acceptable for prosecution use. Evidence must be tagged properly and placed in an evidence holding facility before the end of the Deputy's shift.
- C. When a Deputy, dispatched on a call for service, encounters a violent crimes situation that will require law enforcement services beyond those that the Field Services Division can effectively provide, they will request the presence of their Field Services supervisor at that location.
- D. If there is a crime scene in existence, the Deputy will identify the scene's boundaries and then mark off an area slightly larger than the scene's boundaries. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The Deputy shall ensure that a satisfactory crime scene has been established.
- E. Once a crime scene has been established, the first responding Deputy will establish a crime scene log. Once a log is established, personnel regardless of rank or assignment will not be allowed to enter the crime scene without the permission of the lead investigator. All personnel appearing on the crime scene log will prepare a supplemental report outlining his actions while within the scene. All supplemental reports to be prepared by Field

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- Services personnel will be submitted prior to the end of their shift.
- F. Field Services personnel will also insure that all potential witnesses have been separated and secured.
    - 1. Field Services personnel will not discuss details pertaining to the investigation with witnesses, suspects or by-standers at the scene.
    - 2. Field Services personnel will not interview potential child victims under any circumstances. Interviews by Field Services personnel pertaining to children shall be limited to the gathering of basic information. When possible, this information should be obtained from adults present with the children.
  - G. In the event that an arrest is made by Field Services personnel, the suspect should not be taken back onto the crime scene for any reason.
  - H. Suspects should not be allowed to clean their persons prior to the collection of potential evidence.
  - I. Field Services personnel shall not attempt to take statements or elicit confessions from potential offenders.
  - J. Field Services personnel may encounter a situation requiring the taking of the Dying Declaration. These declarations should be taken in accordance with procedures making them admissible for prosecution of the case. The Deputy taking the statement should also obtain a declaration from the subject that the statement is true and accurate. If possible these statements should be recorded or witnessed by rescue personnel. Deputies should never interfere with heroic efforts to save the person's life when attempting to obtain a Dying Declaration.
  - K. Field Services personnel will not remove any article from the person of a deceased victim, to include the victim's identification.
  - L. Should Field Services personnel alter the scene or move any object within the scene they shall immediately inform the lead investigator upon his arrival at the scene.

**320-2 FIELD SERVICES SUPERVISORS**

- A. Will respond to all requests for assistance from Field Services Deputies.
- B. After receiving a briefing from the Deputy, the supervisor will assess the situation and request any additional personnel needed.

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- C. Upon their arrival, the supervisor will ensure that if there is a crime scene in existence the Deputy has identified the boundaries of the scene and then marked off an area slightly larger than the boundaries of the scene. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The supervisor shall ensure that a satisfactory crime scene has been established. Supervisors will ensure that a crime scene log is in use.
- D. When a Deputy, dispatched on a call for service, encounters a violent crimes situation that will require law enforcement services beyond those that the Field Services Division can effectively provide, the Field Services Supervisor will request the assistance of the On-Call investigator at the location.
- E. Field Services supervisors will not interview potential child victims under any circumstances. Interviews by Field Services personnel pertaining to children shall be limited to the gathering of basic information. When possible this information should be obtained from adults present with the children.
- F. Field services supervisors shall not attempt to take statements or elicit confessions from potential offenders.

**320-3 CRIMINAL INVESTIGATIONS**

- A. The On-Call investigator will respond to all requests for assistance pertaining to violent crimes cases. Response will not be at the discretion of the investigator. The investigator will not attempt to assess a situation via telephone.
- B. Upon their arrival, the investigator will ensure that if there is a crime scene in existence the Field Services personnel have identified the scene's boundaries and then marked off an area slightly larger than the scene's boundaries. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The investigator shall ensure that a satisfactory crime scene has been established. Investigators will ensure that a crime scene log is in use.

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- C. The On-Call investigator will direct the investigation as well as the collection of physical and testimonial evidences pertaining to the investigation. Evidence will be collected by either a Field Investigator or the On-Call Criminalistics investigator. The investigator will be responsible for deciding if the Criminalistics investigator is needed. Investigators will ensure that all available physical and testimonial evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.
- D. When suspect(s) are identified, investigators will immediately take steps to collect any trace evidence that may be present on the suspect's person. The collection of this evidence must be done in accordance with acceptable standards so that all evidence collected is acceptable for prosecution use.
- E. In the event that a suspect is identified and arrested within 24 hours of committing the offense all of the suspect's clothing, including undergarments and shoes, will be taken for evidence purposes at booking. The investigator will have a Criminalistics investigator accompany them to booking so that the clothing can be properly collected. Should the arrest occur more than 24 hours after the crime was committed, the investigator shall attempt to determine if the suspect is wearing the same clothing worn at the time the crime was committed; if that is the case, the clothing should be collected as outlined above.
- F. The person of all suspects taken into custody will be examined for evidence. Any trace or physical evidence located will be documented prior to the booking process.
- G. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will ensure that search warrants which are prepared prior to a suspect's arrest are accompanied by both a motion to seal and an order to seal.
- H. The investigator will prepare search warrants for all structures in which violent crimes have occurred. These warrants will be prepared prior to any search of the crime scene being conducted. Initial crime scene warrants shall be accompanied by motions to seal and orders to seal if an arrest has not been made at the time.
- I. Investigators need not obtain search warrants for open public spaces or for structures which members of the public would normally have unrestricted access to.
- J. A consent to search may be used in concert with a search warrant but not in place of a search warrant.

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- K. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. All photo arrays shown will be accompanied by an approved photo array identification sheet. Once a photo array has been shown it will be tagged into evidence even if no identification was made from the array.

#### **320-4 CRIMINAL INVESTIGATIONS SUPERVISOR**

- A. The supervisor will provide the communications center with contact numbers for an On-Call investigator at all times.
- B. The supervisor will respond to any calls for assistance from the Field Services Division or the On-Call investigator.
- C. The supervisor will be available for consultation should the investigator need assistance. The investigator may consult with the supervisor via telephone or request their assistance at the scene if necessary.
- D. Should the investigator encounter problems, the supervisor will ensure that the proper support personnel respond to assist the investigator, this includes the Criminalistics investigator, the Office of the Medical Investigator or the On-Call Assistant District Attorney when necessary.
- E. The supervisor will automatically respond to any situations involving a death.
- F. The supervisor will ensure that the District Attorney's Office is called to the scene in the event that a death is being investigated.
- G. When responding to scenes the supervisor will ensure that all available physical and testimonial evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.
- H. Upon their arrival, the investigative supervisor will ensure that if there is a crime scene in existence the Field Services personnel have identified the boundaries of the scene and then marked off an area slightly larger than those boundaries. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The supervisor shall ensure that a satisfactory crime scene has been established. The supervisor will ensure that a crime scene log is in use.



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**320-5 ON-CALL CRIMINALISTICS INVESTIGATOR**

- A. The On-Call Criminalistics investigator will respond to the scene of all violent crime investigations at the request of the lead investigator or the on-duty Field Services supervisor.
- B. The Criminalistics investigator will document all scenes by videotaping (Only for Homicides, Deadly Force Encounters and the request of the Case Agent or Supervisor) - and still photographing the scenes as directed by the lead investigator.
- C. The Criminalistics investigator will respond to the scene and complete the collection of physical evidence pertaining to the investigation. Evidence will be collected at the direction of the lead investigator. Criminalistics investigators will ensure that all available physical evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.
- D. Upon their arrival, the investigator will ensure that if there is a crime scene in existence the Field Services personnel have identified the scene's boundaries and then marked off an area slightly larger than the scene's boundaries. If the crime scene is within a residence all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The Criminalistics investigator shall ensure that a satisfactory crime scene has been established. The criminalistics investigator will ensure that a crime scene log is in use.
- E. Before beginning a crime scene investigation, the investigative team will conduct a briefing in which all information gathered at the time is covered. All sworn personnel of the investigative team will be present for this briefing.
- F. Criminalistics personnel will then enter the crime scene and video tape it in its entirety. Once the video tape is completed the Criminalistics Unit will withdraw from the scene and review the tape with the lead investigator. At this time the lead investigator will indicate any special investigative procedures they wish to have undertaken. In the event that a video tape cannot be reviewed on the scene, the lead investigator will accompany the Criminalistics investigator on his initial walk through in order to point out special procedures they wish to have preformed.

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- G. When documenting the scene of a violent crime, the Criminalistics investigator will document the position of all light switches in the dwelling or structure and examine each light switch area for the presence of fingerprints or body fluid evidence.
- H. When documenting the scene of a violent crime, the Criminalistics investigator will examine all radios and televisions located within the structure. They will document the station or channel to which each is tuned.
- I. When documenting the scene of a violent crime, the Criminalistics investigator will photograph all doors and windows from both the inside and the outside of the structure. At this time the windows and doors should be examined for signs of tampering. The investigator will note whether the window or door is locked or unlocked. They should be photographed once in an unmarked state as they are found and then again with some type of marking to indicate the opening's location in the structure.
- J. All interior walls in the dwelling or structure will be photographed. They should be photographed once in an unmarked state as they are found and then again with some type of marking to indicate the walls located in the structure.
- K. All impression evidence should be photographed using a 1x1 lens. Impression evidence may be casted for preservation at the direction of the lead investigator.
- L. Any blood spatter evidence present will be photographed and diagramed for later use.
- M. The Criminalistics investigator will obtain samples from all blood pooling present at the crime scene.
- N. The Criminalistics investigator will obtain measurements and prepare a complete diagram sketch of violent crime scenes involving deaths.
- O. Items of evidence which will require specific measurement will be photographed once in the state in which they are located and once with the appropriate measurement scale included in the photo.
- P. After the completion of the initial crime scene investigation by the Criminalistics Unit, an investigative team debriefing will take place. Once this debriefing is completed the following parties may have access to the inner perimeter at the discretion of the lead investigator:
  - 1. Investigative Team personnel

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2. District Attorney's personnel
3. Special investigative resources requested by the lead investigator
4. Office of the Medical Investigator

#### **320-6 VEHICLE SEARCHES**

- A. When investigating a violent crime or serving a search warrant in connection with a violent crime the Criminalistics investigator will note the position of the driver's seat and take measurements so that seat position may be documented.
- B. When investigating a violent crime or serving a search warrant in connection with a violent crime, the Criminalistics investigator will note the conditions of the vehicle windows and doors. Investigators will also note whether or not vehicle doors are locked.
- C. When conducting the search, the Criminalistics investigator will also collect other evidence as is called for by the warrant, or as they are directed to by the lead investigator.

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### **321 SEARCH WARRANT PROCEDURES**

The Department shall utilize standardized procedures in the preparation, execution, and return of search warrants, to ensure the rights of the citizens of the County, the effectiveness of the operation, and the safety of personnel.

#### **DEFINITIONS:**

##### **SEARCHES**

There are three types of authorized searches that may be conducted.

1. A search authorized by a valid search warrant.
2. Consent to search.
3. Warrantless search.

Whenever a Deputy conducts a search other than an authorized warrantless, or consent search, he will obtain a warrant for the search of the person or premises prior to commencing the search.

##### **PROBABLE CAUSE FOR A SEARCH WARRANT**

Probable cause is deemed as facts and circumstances that are enough to satisfy a person of ordinary caution that a crime has been committed, or is being committed, that the particular thing to be seized in a search is reasonably connected to a crime, and that it can be found at a particular place.

1. Probable cause is more than bare suspicion.
2. Only a probability of criminal conduct need be shown.
3. Probable cause must be based on what the Deputy believes to be reasonably trustworthy information.

#### **RULES AND PROCEDURES:**

##### **321-1 SEARCH WARRANT PREPARATION**

- A. The search warrant consists of two parts:
  1. Part #1 - the affidavit.
  2. Part #2 - the search warrant/return and inventory.
- B. The affidavit is prepared by the Deputy/Affiant who is requesting the search warrant be issued, and must contain the following information:
  1. A complete and clear description of the person/property to be searched.

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2. A description of all property to be seized.
3. Facts and circumstances that establish probable cause for the warrant to be issued.

**321-2 APPROVAL OF THE SEARCH WARRANT**

- A. After the Affiant has completed the affidavit and attached Part #2, the following steps have to be followed to have the warrant approved:
  1. Present the affidavit to the appropriate supervisor for approval.
  2. Take the affidavit to the District Attorney's office for review.
  3. Take the affidavit and Part #2 to a District Court judge for review and authorization.
- B. The search warrant/return and inventory is presented to the issuing judge and is filled in and signed by the judge after he has read and approved the affidavit.
- C. All search warrants obtained in the course of violent crime investigations must be accompanied by a motion to seal and an order to seal if a suspect has not been arrested at the time the search warrant is being requested.
- D. A District Court Judge may authorize a search anywhere within his or an adjoining judicial district.

**321-3 PARTS OF A SEARCH WARRANT**

- A. Part #1 is the affidavit of facts to be presented to the District Court Judge.
- B. The Affiant will be required to swear to the truthfulness of all the facts that are listed within the affidavit.
- C. Part #2 is the actual authorization to search and seize persons or property.
- D. The back of Part #2 is used to record items seized during the search and to file the return of inventory at the District Court after executing the warrant.

**321-4 EXECUTION OF THE SEARCH WARRANT**

- A. A search warrant is valid for ten (10) days after it is signed by a judge. If it is not served within ten (10) days, it becomes void and no further action is required.
- B. Except under specific instances, Deputies will knock on the main entrance of the premises to be searched and identify



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- themselves. They will state their intent and wait a reasonable time for the occupant(s) to open the door and allow them access into the premises.
- C. When it is known to the Affiant that the warrant service will require forced entry, the Affiant will contact the Commander of the Special Weapons and Tactics Team. The Special Weapons and Tactics Team must be used for the service of all warrants requiring forced entry.
  - D. Forced entry by personnel other than the Special Weapons and Tactics Team may be justified under the following circumstances:
    - 1. Where the Deputy believes that someone inside the premises may be placed in imminent peril of bodily harm if he were to announce his presence prior to making entry.
    - 2. Where the Deputy believes that someone inside may be attempting to escape or trying to destroy evidence.
    - 3. Where the Deputy reasonably believes that by announcing himself he would be placing himself or other Deputies in physical peril.
  - E. The supervisor in charge will attempt to contact the property owner prior to making forced entry on property crime search warrants.
  - F. A search warrant can be executed between 6:00 a.m. and 10:00 p.m. ONLY. A special night time search authorization is necessary to execute a search warrant after 10:00 p.m. and before 6:00 a.m.
  - G. The nighttime search authorization must be requested and justified by fact outlined in the affidavit.

**321-5 AFFIANT RESPONSIBILITIES**

- A. It is the responsibility of the Affiant or the Affiant's representative to:
  - 1. Ensure that a supervisor is present and thoroughly briefed before the search warrant is executed.
  - 2. Brief all participants as to the area to be searched, items to be seized and any exigent circumstances involving the premises to be searched or its occupants.
  - 3. Have all necessary copies of the warrant, and in the event that the Department's Criminalistics Unit is not used the Affiant will have containers for evidence collection at the scene.

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4. Advise the supervisor in charge of any situations that might require the use of the SWAT Team.
5. Ensure that the following tasks are accomplished once entry has been made:
  - a. Record the location of all items to be seized and the name of the person who located the item.
  - b. Photograph evidence prior to its being seized.
  - c. Complete the inventory on all items being seized.
  - d. Take custody of all evidence not collected or seized by the Criminalistics Unit and deliver it into the custody of the Evidence Room.
  - e. Provide a copy of the search warrant affidavit and warrant to the defendant or his representative if present, or leave a copy within the premises along with a copy of the inventory of all items that were seized. Should the Property Seized section of Part #2 of the warrant not allow for sufficient space to document all of the property seized, the Affiant may use additional sheets of paper. Copies of these additional sheets will also be attached to the warrant inventory itself when it is returned to the District Court.
  - f. Be responsible for the return of the warrant, affidavit, and inventory to the District Court clerk within three (3) days of the execution of the warrant.

**321-6 SUPERVISORS RESPONSIBILITIES**

- A. Be thoroughly briefed by the Affiant or his representative and review the search warrant prior to its being presented to the District Attorney's Office.
- B. Accompany Deputies, except as noted below in paragraph 1., on search warrant executions and determine the number of personnel to be deployed, as well as coordinating with other law enforcement agencies involved in the search warrant.
  1. Supervisors may in some cases authorize Deputies to execute search warrants without supervisor being present. The Deputy must brief his/her supervisor of the existence and circumstances of the warrant, and the supervisor will determine if it is acceptable for the Detective/Deputy to execute the warrant without him/her being present. This will be conducted on a case by case basis.

This shall be limited to the following instances:

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1. When a search warrant is being executed on a vehicle which has been taken to a storage facility, such as a towing yard.
  2. When a "body warrant" is being executed on a person for forensic evidence such as hair, bodily fluids, etc.
  3. At the discretion of a supervisor.
- C. Ensure that specific tasks are assigned to each Deputy who is involved in the search. Ensure that at least one uniformed Deputy is present at the time the warrant is executed along with a Deputy capable of photographing the scene.
- D. Make certain that all non-uniformed Deputies who take part in the initial entry are wearing body armor and a Department issued "raid jacket". The supervisor may approve of an undercover approach to secure entry of a fortified or hazardous location. In such a case the supervisor may authorize Deputies to deviate from the above procedures (utilization of S.W.A.T. should be considered).
- E. Assign personnel to specific areas of the scene for the purpose of protecting the scene, searching for evidence, and preventing the destruction of evidence.
- F. (Only for Homicides, Deadly Force Encounters and the request of the Case Agent or Supervisor)-Ensure that the scene is videotaped prior to the beginning of the search, and at the termination of the search, any property that is damaged during the search will also be photographed.
- G. Notify the Field Services supervisor for the area in which the search is taking place, prior to the beginning of the search.
- H. Ensure that if the warrant is being served outside the jurisdictional areas of Bernalillo County, that the appropriate law enforcement agency is notified and representatives of that agency are present, if they so desire.
- I. Make a reasonable attempt to secure the premises upon completion of warrant service.

**321-7 CONSENT SEARCHES**

- A. A consent is a voluntary statement, verbal or written, giving deputies permission to search a person, premises, or items. Consent is valid only under the following circumstances.
1. The person consenting to the search has legal control over the area to be searched.

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2. The person giving consent is made aware that any evidence found may be used in criminal prosecution.
3. The consent is voluntary.
4. A Sheriff's Department permission form is completed and signed by the consenter.
5. Consent has been given freely and without coercion.

**321-8 SEARCH AND SEIZURE WITHOUT A WARRANT**

This policy is to provide deputies with guidelines to conduct warrantless searches and seizures in order to uphold individual civil rights, protect deputies and others. As well as govern the collection of evidence.

**DEFINITIONS**

**REASONABLE SUSPICION**

Information supported by specific and articulable investigation that combined together would lead a Deputy to believe that a violation of law has occurred or is occurring.

**PROBABLE CAUSE**

When facts and circumstances within a deputy's knowledge, or, on which a deputy has reasonable, trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed.

**FIELD INTERVIEW**

The brief detainment of an individual, based on reasonable suspicion that a violation of law has occurred or is occurring, for the limited purpose of determining the identity of a particular person and confirming or dispelling a deputy's suspicions.

**PAT DOWN**

Commonly referred to as a "frisk", it is the feeling of an individual's outer garments to determine if that person is armed with a weapon. This allows the deputy to conduct a brief field interview without threat of violence.

**EXIGENT CIRCUMSTANCES**

An emergency situation(s) requiring swift action to prevent danger to life, serious damage to property, to forestall the imminent escape of a suspect, or the destruction of evidence.

**INVENTORY SEARCH**

A search conducted to protect and safeguard an individual's property, provide for the safety of the deputy and others, as well as protect the Department against claims or lawsuits for loss or destruction of private property.

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**PROTECTIVE SWEEP**

A quick limited search of a premise, incident to an arrest, conducted to protect the safety of deputies and others. The area searched must be large enough to be capable of harboring a person.

**CURTIAGE**

Any land or building immediately adjacent to a dwelling which is directly connected or in close proximity.

**COMMUNITY CARETAKER**

An deputy may stop a vehicle or enter a premises without a warrant or reasonable suspicion when the deputy has specific articulable safety concerns, that an individual might be in physical difficulty or need assistance. Such encounters must be done in good faith without the intent of coercion or detention.

**A. EXCEPTIONS TO WARRANTS**

As a general rule, a search must be supported by a valid warrant or consent to search authorization. In some cases there are special exceptions to the rule. The following are the only exceptions authorized by this agency:

**1. Search Incident to an Arrest:**

Incidental to a valid arrest, a warrantless search of the arrested person at the time and place of his arrest will be made. The area into which the arrestee might reach for a weapon or to destroy evidence will also be searched.

**2. Plain View:**

Deputies may, without a warrant, seize items unexpectedly found in plain view at the time of an arrest, and/or if the items are evidence of a crime and it is impractical to first obtain a warrant.

**3. Hot Pursuit:**

If a Deputy is pursuing a person and the Deputy has probable cause to believe the person is armed, and has just committed a felony crime, the Deputy may for the purpose of his/her safety, the safety of the public, and the prevention of escape, search the building into which the person has been pursued.

**4. Open Fields:**

Under the "open field" doctrine, a Deputy may enter and search any unoccupied or undeveloped area that lies outside the "curtilage of a dwelling".

**5. Aerial Surveillance:**

Surveillance of outdoor areas from public airspace is not a "search", even if the area in question is within the "curtilage of a dwelling".

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6. **Public Places:**

There is no requirement that a Deputy obtain a warrant before seizing things brought into public places, open to public view.

7. **Emergency searches exigent circumstances:**

Deputies may make a warrantless entry of anything, whether personal belongings, a vehicle, or building, anytime that the Deputies have good reason to believe it is necessary to save a life or prevent injury (i.e., cries for help from the inside of a building, assisting the fire Department on a fire, to check on the welfare of the suspected abused child). However, once the emergency has passed, Deputies may not continue to search without first obtaining a warrant.

8. **Abandoned Property:**

Deputies may, without warrant, seize and search property that they have good reason to think has been abandoned.

Deputies having questions on whether a warrantless search would be legal, should contact their supervisor, or consult with the on-call Assistant District Attorney for advice.

B. RULES AND PROCEDURES

1. APPROACH

A Deputy may approach an individual without a warrant or reasonable suspicion provided that:

- a. The Deputy is not violating the law at the time:
- b. The Deputy approaches in a non-threatening manner:
- c. The person approached is free to leave or remain silent with no threat of coercion or detention from the officer.

2. STOP AND FRISK (TERRY STOP)

A Terry Stop consists of a brief investigative detention, field interview, and if warranted, pat-down of a person's outer garments if based on the Deputy's training and experience, the person detained poses in immediate danger to the safety of Deputies or others. Factors to consider when determining whether to perform a Terry Stop should include but not be limited to:

- a. The appearance to demeanor of an individual suggests that he/she is part

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of a criminal enterprise or is engaged in a criminal act;

- b. The hour of day or night is inappropriate for the suspects presence in the area;
- c. The suspects presence in a locations in inappropriate;
- d. The suspect is carrying a suspicious object;
- e. The suspects clothing bulges in a manner that suggests he/she is carrying a weapon;
- f. The suspect is located in proximate place and time to the alleged crime;
- g. The Deputy has knowledge of the suspects prior criminal record or involvement in criminal activity.

A pat down is to be conducted in accordance with the deputy's training and experience and is no more extensive than what is necessary to remove the immediate danger to the deputies and others.

Factors to consider when determining whether a pat down should be conducted:

- 1. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved;
- b. When more than one suspect must be handled by a single deputy;
- c. The hour of the day and the location or neighborhood where the stop takes place;
- d. Prior knowledge of the suspect's past use of force and/or a propensity to carry a firearm or other weapons;
- e. The appearance and demeanor of the suspect such as nervousness, shaking, failure to make eye contact, or other behaviors which are not cultural;
- f. Visual indications that suggest the suspect is carrying a firearm or other weapon;
- g. The age and gender of the suspect. Whenever possible, pat down searches should be performed

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by deputies of the same sex.

A deputy may request a voluntary statement, verbal or written, giving the deputy permission to search the person in accordance with this SOP.

### **3. ROAD BLOCK**

- a. A roadblock should be conducted in a reasonable time, duration and location to protect the safety of deputies and others.
- b. Selection of the site and procedures for conducting a road block are made and established by sheriff's supervisory personnel.
- c. A briefing will be conducted prior to each roadblock to ensure that deputies deal with motorists in the same manner as much as possible.
- d. Motorists shall only be detained for a reasonable time.
- e. All roadblocks shall be given appropriate advance publicity.
- f. An emergency roadblock may be put in place for the purpose of capturing a fleeing felon.

### **4. VEHICLE INVENTORY SEARCH**

When a vehicle is towed pursuant to state law or county ordinance, an inventory search of the vehicle shall be conducted to protect an individual's property, the deputy and others, as well as the Department from claims of lost or damaged property resulting from the seizure of the vehicle or items. Deputies will use the following criteria when an inventory search is conducted:

- a. Vehicles must be in lawful custody;
- b. Must be reasonable and conducted in good faith;
- c. Will be conducted by the deputies, or public safety aides in accordance with their training and Department standard operating procedures;
- d. Inventory searches will include the entire passenger compartment, glove box, trunk and containers without damaging the property, at or near the time the vehicle was lawfully placed within police custody. Containers found during an inventory search of a vehicle can be opened if accomplished without damage to the container and the search is conducted in accordance with the Department SOP.
- e. The Inventory search will be documented and become part



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of the original Offense/Incident Report. If towed, an inventory search will be conducted of the vehicle and will be documented on the Tow-in Report form.

#### **5. VEHICLE SEARCHES UNDER THE AUTOMOBILE EXCEPTION**

Warrantless search of a vehicle under the "Automobile Exception" requires:

a. An articulable legal justification for stopping the vehicle;

b. That there is reasonable basis for believing an automobile will be moved or its search will be compromised by delay. Otherwise, a warrant is required prior to searching the vehicle;

c. Inventory searches must be reasonable and conducted only if there is probable cause to believe the vehicle contains the fruit or instrumentalities of a crime or contraband, and the officer can articulate exigent circumstances which create an emergency situation requiring swift action to prevent danger to life, escape, or destruction of evidence;

d. The scope of the inventory search shall be limited to the exigent circumstance that created an emergency situation requiring swift action to prevent danger to life, escape, or destruction of evidence;

Example:

1). If the exigent circumstance exists that the vehicle is being used to harbor a felon, you can not search anywhere within the vehicle that a person could not hide, i.e. under the seat, within the glove box, etc.

2). If the exigent circumstance exists that a weapon is within the vehicle which poses an immediate danger to officers or others, the officer may remove all persons from the vehicle in accordance with their training and wait for a search warrant prior to searching the vehicle for the weapon.

e. A deputy may conduct a plain view inspection of the vehicle to rule out any exigent circumstances or request a voluntary statement (verbal or written) giving the deputy permission to search the vehicle in accordance with the Department SOP.

#### **6. SEARCH INCIDENT TO LAWFUL ARREST**

A warrantless search can be conducted pursuant to a lawful arrest. Such a search must be conducted during or very near the time and place

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of the arrest and must be limited in scope to:

a. Searching the arrested person and any containers discovered on his/her person, or within the arrested persons control if the deputy has reason to believe the containers belong to or were used by the arrested person;

b. Searching the immediate area within the arrestee's control;

c. Searching the interior of the vehicle excluding the trunk, glove box, or any containers found in the vehicle if a person is removed from a vehicle and placed under arrest. Any containers found on the arrestee can be searched;

d. Conducting a "protective sweep" of the area adjoining the arrest;

e. Conducting a sweep of any other area within the premises which deputies reasonably suspect might harbor a person who could endanger them.

f. A deputy may request a voluntary statement (verbal or written) giving the deputy permission to search the person and the vehicle in accordance with the Department SOP.

#### **7. PROTECTIVE SWEEP**

A protective sweep can only be conducted after a lawful arrest. A deputy must have a reasonable belief based on specific and articulable facts that lead the deputy to believe the area swept harbors an individual posing a danger to the deputy or others and limits the scope of the search to places large enough to harbor a person.

#### **321-9 BODY CAVITY AND STRIP SEARCHES**

This policy is to ensure that body cavity/strip searches of individuals are conducted within the limits of legal authority, with consideration for the safety of deputies and suspects, out of public view, and with due regard for human dignity.

#### DEFINITIONS

##### **STRIP SEARCH:**

The suspect/arrested person removes all articles of clothing and is visually examined for any signs of concealed evidence.

##### **BODY CAVITY SEARCH:**

A search conducted by qualified medical personnel of a suspect/arrested person on specific body cavities for the purpose of retrieving necessary evidence.

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STRIP SEARCH

- A. Strip searches will be conducted only after the deputy has obtained the following:
  - 1. Established probable cause and has an articulable reason to believe exigent circumstances exist. The probable cause and the exigent circumstances will be documented in an offense report and/or supplemental report.
  - 2. Written consent to search from the suspect/arrested person or a valid search warrant.
- B. Strip searches will be conducted in the following manner:
  - A. A deputy of the same sex will search the suspect/arrested person(s).
  - B. Another deputy of the same sex will witness the search.
  - C. The search will be conducted in an interior, secure location out of public view. Strip searches will not be conducted within vehicles or outside.
  - D. If an item(s) is located within the suspect's person, the deputy will:
    - a. Request that the subject remove the item(s) from his/her person.
    - b. Refer to the Body Cavity portion of this section, if the subject cannot or will not remove the item.
    - c. Properly package and tag any evidence that is retrieved.
  - E. In the event the above circumstances exist when a deputy takes possession of a prisoner in the custody of a detention center or institution and believes that a strip search is indicated but are not allowed to conduct one, they are authorized to refuse to accept the prisoner. The District Attorney's Office and Transportation Division Supervisor(s) are to be immediately notified if a prisoner is not to be transported.
  - F. All articles of clothing will be thoroughly searched before returning them to the suspect.

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- G. The search will be documented on an offense report or supplemental report detailing the probable cause, persons present, location and items retrieved.
- H. The search will be video recorded documenting the start and stop time of the search, persons present, location of search and items retrieved. This video will be tagged into evidence.

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**10 BODY CAVITY SEARCH**

- A. Body cavity searches will be conducted only with a valid search warrant.
- B. Deputies will not personally conduct body cavity searches.
- C. Body cavity searches will be conducted in the following manner:
  - 1. Suspect/arrested person(s) will be taken to a medical facility where qualified medical personnel will conduct the search.
  - 2. The deputy will provide the medical personnel a copy of the search warrant.
  - 3. If an item(s) is located within the subject's person, the deputy will retrieve the item(s) from the medical personnel and properly package and tag the item into evidence.
  - 4. The search will be documented on an offense report and/or supplemental report and will include the name(s) of the medical personnel who conducted the search, and the name and location of the medical facility where the search was conducted.
- D. The use of the X-Ray machine is used for prisoners wearing casts or prosthetic devices. In all cases, Deputies should verify an injury requiring a cast either with the jail or medical facility that treated the prisoner. This X-Ray search may also be used if the Deputy has reasonable grounds to believe the prisoner has swallowed contraband. This medical procedure must first, however, be authorized by a physician.

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**322 INVESTIGATIVE PROCEDURES FOR THE ABUSE, NEGLECT OR EXPLOITATION OF CHILDREN OR CARE FACILITY RESIDENTS**

The Department shall fully investigate all cases of abuse, neglect, or exploitation occurring within the unincorporated areas of Bernalillo County and those jurisdictions which contract for police services with the Bernalillo County Sheriff's Department.

Deputies responding to and investigating these types of crimes must continually commit themselves to complete the most comprehensive investigation they can with the resources and information which they have available. Deputies must also collect all available physical and testimonial evidence using only those methods which will make this evidence readily acceptable for prosecution use.

NMSA 1978 section 32A-4-3 requires all sworn personnel to immediately report any suspected child abuse, neglect or those circumstances sworn personnel may encounter while in an **on or off-duty** capacity. Failure to report these crimes is a violation of Department policy as well as State law. **Referrals must be made to Statewide Central Intake (herein referred to as SCI, which is the intake reporting agency for CYFD) at 505-841-6100 or #SAFE from any mobile phone.**

Deputies must be aware that the abuse, neglect, or exploitation of **adults, or adults in** facility residences must be reported to **Adult Protective Services (herein referred to as APS) at 1-866-654-3219.**

**Cases of child abuse, neglect or exploitation and resident abuse and neglect will be investigated by the Special Victims Unit. In cases of a death of a person 13 and under, the Special Victims Unit will handle the investigation. All deaths of anyone over 65 that are suspected to be a result of elderly abuse or neglect will also be investigated by the Criminal Investigations Division/Special Victims Unit.**

Cases of child abuse or neglect stemming from traffic related cases need not follow the protocol set forth herein.

**DEFINITIONS:**

**CHILD**

A person who has not yet reached his age of majority.

**NEGLECT OF A CHILD**

Means that a child is without proper parental care and control or subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents, guardian or custodian or their neglect or refusal, when able to do so, to provide for them. Specific guidelines

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for the application of charges stemming from child neglect cases can be found in NMSA 1978 Section 32A-4-2. Department personnel shall make themselves familiar with the State's guidelines.

#### **ABANDONMENT OF A CHILD**

Consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

- (1) placed in a situation that may endanger the child's life or health;
- (2) tortured, cruelly confined or cruelly punished; or
- (3) exposed to the inclemency of the weather.

Specific guidelines for the application of charges stemming from child abuse cases can be found in NMSA 1978 Section 32A-4-2. Department personnel shall make themselves familiar with the State's guidelines.

#### **SEXUAL EXPLOITATION OF A CHILD**

This Department has adapted the definitions listed in NMSA 1978 Sections 30-6A-2. Department personnel shall make themselves familiar with the State's guidelines. For the purposes of this section, language pertaining to the investigation of "child abuse" cases will pertain also to the cases involving the sexual exploitation of a child.

#### **CARE FACILITY**

A "care facility" means a hospital, skilled nursing facility, intermediate care facility, care facility for the mentally retarded, psychiatric facility, rehabilitation facility, kidney disease treatment center, home health agency, ambulatory surgical or out-patient facility, home for the aged or disabled, group home, adult foster care home, private residence that provides personal care, sheltered care or nursing care for one or more persons, adult day care center, boarding home, adult residential shelter care home, and any other health or resident care related facility or home but does not include a care facility located at or performing services for any correctional facility. Specific guidelines for the application of charges stemming from resident abuse cases can be found in NMSA 1978 Section 30-47-2. Department personnel shall make themselves familiar with the State's guidelines.

#### **FACILITY RESIDENT**

Resident means any person who resides in a care facility or who receives treatment from a care facility. Specific guidelines for the application of charges stemming from resident abuse cases can be found in NMSA 1978 Section 30-47-2. Department personnel shall make themselves familiar with the State's guidelines.

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**FIRST RESPONDER**

This is the first sworn Deputy to arrive at the scene regardless of rank. Policy written under this heading applies to all personnel regardless of assignment.

**FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

**ON-CALL INVESTIGATOR**

The **CID** Investigator who responds to the scene.

**INVESTIGATIVE SUPERVISOR**

For the purposes of this section Investigative Supervisor will include the On-Call supervisor from the Criminal Investigations Division.

**ON-CALL CRIMINALISTICS INVESTIGATOR**

The Criminalistics Investigator who responds to the scene.

**SHELL REPORT**

An Offense/Incident report containing minimal information. This report should indicate that the Deputy was dispatched and that once confirmation that a crime was committed and that it occurred within the boundaries of BernalilloCounty that investigators were called to complete the investigation.

**RULES AND PROCEDURES:**

**322-1 COMMUNICATIONS**

Due to the sensitive nature of these investigations the CommunicationsCenter and sworn personnel shall avoid discussing details pertaining to these situations via radio whenever possible. Should the Department receive a report of an in progress crime, Communications personnel and sworn personnel should communicate via radio in an effort to shorten response times and protect victims. Once the emergency situation is brought under control personnel should again avoid discussing details pertaining to the case via radio.

**322-2 FIRST RESPONDER**

- A. The first Deputy to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction, or contamination of evidence.
- B. In the event that a Field Services Deputy is dispatched on a



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**CYFD/APS referral** and the Criminal Investigations Division is not called upon for support that Deputy will complete an Offense/Incident report.

- C. If the situation is handled by Field Services Deputies without the assistance of personnel from the Criminal Investigations Division, the Deputies will file a full and complete report prior to the end of their shift. In the event that any evidence is collected (including photographs), Deputies must collect this evidence using only those methods which will make this evidence readily acceptable for prosecution use. Evidence must be tagged properly and placed in an evidence holding facility before the end of the Deputies shift.
- D. If the Criminal Investigations Division does not respond, Deputies will verify that **SCI/APS** has been contacted. If they have not, the Deputy will contact them and file a referral with their agency **on all cases of child abuse or neglect or adult abuse or neglect.**
- E. When a Deputy, dispatched on a call for service, encounters an abuse, neglect or exploitation situation that will require law enforcement intervention which the Field Services Division cannot provide, they will request the presence of their Field Services Division supervisor at that location.
- F. In the event that the Criminal Investigations Division responds to the scene of any investigation, Field Services Personnel will complete a shell report with follow-up reports being completed by the Criminal Investigations Division. The Field Services report will be turned over to the On-Call investigator at the time that he responds to the scene.
- G. Because Field Services personnel will not need to add detailed information to the shell report, Field Services personnel will not do extensive interviews with adult sexual assault victims. In depth interviews will be conducted by investigators at their discretion.
- H. Field Services personnel will not interview potential child victims under any circumstances. The necessary identification information pertaining to children should be obtained from an adult who is present, when possible.
- I. Field Services personnel shall not attempt to take statements or elicit confessions from potential offenders.
- J. Field Services personnel will not make arrests in **Felony** abuse, neglect or exploitation cases without **advising** the Criminal Investigations Division On-Call **Supervisor.**
- K. The authority and responsibility to take children or adults into the protective custody of the State of New Mexico is placed with the responding law enforcement agency. Deputies responding to situations in which **CYFD/APS** request that a

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child or adult be placed in the State's custody - **or the deputies believe the child/adult shall be placed into state's custody** shall request the presence of their supervisor at the scene prior to **signing the affidavit**. If the responding Deputy believes that a child or adult should be placed in protective custody, this can be done even over the objection of **CYFD/APS**, however, **CYFD/APS will have the ultimate decision as to where the child/adult will be placed**.

- L. Children being transported to protective facilities will not be transported in the rear seat of a patrol vehicle equipped with a protective screen unless the child is violent and physically capable of harming the Deputy **or there are no other means of transport**.
- M. In the event that an investigator is called to the scene, the first responder will see to it that all of the responsibilities of a "First Responder" under the CRIME SCENE PROCESSING section of this manual are addressed.

### **322-3 FIRST RESPONDING SUPERVISOR**

- A. Will respond to all requests for assistance from Field Services Deputies.
- B. After receiving a briefing from the Deputy, the supervisor will assess the situation and request any additional personnel needed.
- C. Field Services supervisors will not authorize arrests in **Felony** abuse, neglect or exploitation cases without **advising** the Criminal Investigations Division On-Call **Supervisor**.
- D. The authority and responsibility to take children and adults into the protective custody of the State of New Mexico is placed with the responding law enforcement agency. Supervisors **shall** respond to situations in which the **CYFD/APS or the on-scene Deputy** request that a child or adult be placed in the State's custody. If the responding supervisor agrees that a child or adult should be placed in protective custody this can be done, even over the objection of the **CYFD/APS**, however, **CYFD/APS has the ultimate decision as to where the adult/child will be placed**.
- E. Supervisors shall ensure that children being transported to protective facilities will not be transported in the rear seat of a patrol vehicle equipped with a protective screen unless the child is violent and physically capable of harming the Deputy **or there are no other means of transportation**.
- F. In situations in which a report is filed but the Criminal Investigations Division does not respond, the supervisor will ensure that the **CYFD/APS** has been notified and that a copy of the Offense/Incident report is forwarded to the Criminal Investigations Division/SVU Supervisor.

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- G. In the event that a Deputy encounters an abuse, neglect or exploitation situation that will require law enforcement intervention beyond that which the Field Services Division can provide, the First Responding Supervisor shall request that the On-Call **CID Supervisor** be **notified to initiate a CID Investigator response**.
- H. In the event that an investigator is called to the scene, the First Responder Supervisor will see to it that all of the responsibilities of a "First Responding Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

#### **322-4 ON-CALL INVESTIGATOR**

- A. The On-Call investigator will respond to all requests for assistance pertaining to abuse, neglect or exploitation cases. Response will not be at the discretion of the investigator. The investigator will not attempt to assess a situation via telephone.
- B. The investigator will interview child victim(s) only after they have determined that the interview is absolutely necessary and that the interview will not interfere with later interviews or the prosecution process. If necessary, the investigator will schedule an emergency Safe House interview to ensure that statements are court acceptable.
- C. The investigator will schedule all subsequent child victim interviews to include non-emergency Safe House interviews.
- D. The investigator will determine if an arrest is warranted. In the event that an arrest is made, the investigator will ensure that both the arrest and interview process is completed in a manner that will enhance the prosecution of the case.
- E. All suspect interviews taking place in the Criminal Investigations Division facilities will be both audio and video taped. Field interviews of suspects will be audio taped.
- F. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. All photo arrays shown will be accompanied by an approved photo array identification sheet. Once a photo array has been shown it will be tagged into evidence even if no identification was made from the array.
- G. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will ensure that search warrants which are prepared prior to the suspect's arrest are accompanied by both a motion to seal and an order to seal **when necessary**.

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- H. Investigators will go over all evidence collected with reference to their investigation. Request for additional or specialized evidence examination must be made in writing to the Criminalistics Unit.
- I. The investigator will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- J. In the event that an investigator is called to the scene, the On-Call Investigator will see to it that all of the responsibilities of a "On-Call Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

**322-5 INVESTIGATIVE SUPERVISOR**

- A. The supervisor will provide the CommunicationsCenter with contact numbers for an On-Call investigator at all times.
- B. The supervisor will respond to any calls for assistance from the Field Services Division or the On-Call investigator.
- C. The supervisor will be available for consultation should the investigator need assistance. The investigator may consult with the supervisor via telephone or request their assistance at the scene if necessary.
- D. The supervisor will automatically respond to any situations involving a death.
- E. When responding to scenes, the supervisor will ensure that all available physical and testimonial evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.
- F. When responding to scenes, the supervisor will ensure that all suspect interviews taking place in the Criminal Investigations Division Facilities will be both audio and video taped. Field interviews of suspects will be audio taped.
- G. The supervisor will review and approve all search warrants to be executed during the course of the investigation. The supervisor will ensure that search warrants which are prepared prior to a suspect's arrest are accompanied by both a motion to seal and an order to seal when necessary.
- H. The supervisor will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- I. In the event that an investigator is called to the scene, the Investigative Supervisor will see to it that all of the responsibilities of a "Investigative Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

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**322-6 ON-CALL CRIMINALISTICS INVESTIGATOR**

- A. The Criminalistics Unit will respond to the scene of all abuse, neglect or exploitation investigation at the request of the case investigator or the on duty Field Services supervisor.
- B. The Criminalistics investigator will respond to the detention center to assist the case investigator if requested to do so.
- C. The Criminalistics investigator will respond to any medical facility which is holding evidence pertaining to the investigation. That evidence will be collected and processed using methods which will make the evidence readily acceptable for prosecution use.
- D. All evidence collected by Criminalistics personnel will be secured in an acceptable Department facility. All evidence not requiring additional examination and/or not posing a Bio-Hazard will be tagged into the Departments evidence room on the next regular business day. Evidence which needs additional examination will be handled as described below. Evidence which poses a Bio-Hazard problem will be handled in accordance with procedures acceptable to both the courts and Occupational Safety and Health Administration.
- E. All requests for evidence processing which will take place in the Criminalistics Unit must be completed within 5 days of receiving the request from the case investigator.
- F. Criminalistics investigators will prepare any evidence that must be examined by outside sources for shipping. Those items which require additional examination by outside sources must be either shipped or transported to the facility within 5 days of receiving the request from the case investigator. All methods of evidence handling and shipping must be completed in a manner which will make the evidence readily acceptable for prosecution use.
- G. Over the course of the investigation, Criminalistics investigators may be called upon to assist the case investigator in many ways to include crime scene examinations, warrant service, evidence examination or the preparation of evidence for shipping to a laboratory for additional examination. Supplemental reports from the criminalistics personnel shall be completed and forwarded within 5 working days.
- H. In the event that an investigator is called to the scene, the On-Call Criminalistics Investigator will see to it that all of the responsibilities of a "On-Call Criminalistics Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

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### **323 HOMICIDE/VIOLENT CRIMES INVESTIGATIVE PROCEDURES**

The Department shall fully investigate all violent crimes occurring within the unincorporated areas of Bernalillo County and those jurisdictions which contract for police services with the Bernalillo County Sheriff's Department. These crimes include but are not limited to Aggravated Assaults, Aggravated Batteries, Robberies, and Homicides.

**Homicide investigations are split between the Homicide/Violent Crimes Unit and the Special Victims Unit due to age and circumstances. Violent Crimes/Homicide will investigate all suspicious deaths and homicides for persons over age 13.**

**Deaths of persons under age 13 will be investigated by the Special Victims Unit as well as elderly deaths over the age of 65 that are suspected to be a result of elder abuse or neglect.**

Deputies responding to and investigating these types of crimes must continually commit themselves to complete the most comprehensive investigation they can with the resources and information which they have available. Deputies must also collect all available physical and testimonial evidence using only those methods which will make this evidence readily acceptable for prosecution use.

#### **DEFINITIONS:**

##### **FIRST RESPONDER**

This is the first sworn Deputy to arrive at the scene regardless of rank. The section written under this heading applies to all personnel regardless of assignment.

##### **FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

##### **ON-CALL INVESTIGATOR**

**The CID Investigator** who responds to the scene.

##### **INVESTIGATIVE SUPERVISOR**

For the purposes of this section, Investigative Supervisor will include the On-Call supervisor from the Criminal Investigations Division.

##### **ON-CALL CRIMINALISTICS INVESTIGATOR**

The Criminalistics Investigator who responds to the scene.

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#### **SHELL REPORT**

An Offense/Incident report containing minimal information. This report should indicate that the Deputy was dispatched and that once confirmation that a crime was committed and that it occurred within the boundaries of BernalilloCounty, that investigators were called to complete the investigation.

#### **RULES AND PROCEDURES:**

##### **323-1 FIRST RESPONDER**

- A. The first Deputy to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction, or contamination of evidence.
- B. If the situation is handled by Field Services Deputies without the assistance of personnel from the Criminal Investigations Division, the Deputies will file a full and complete report prior to the end of their shift. In the event that any evidence is collected (including photographs), Deputies must collect this evidence using only those methods which will make this evidence readily acceptable for prosecution. Evidence must also be tagged properly and placed in an evidence holding facility before the end of the Deputies shift.
- C. In the event a Deputy encounters a violent crime that will require law enforcement intervention beyond that which the Field Services Division can provide, the First Responding Deputy **shall notify his supervisor of the need for assistance from CID.**
- D. The first responder who is dispatched to a scene where a death has occurred will always request the presence of a Field Supervisor.
- E. When dispatched to the scene of an apparent or possible suicide the first responder will follow the protocol set down by the CRIME SCENE PROCESSING section of this manual.
- F. Field Services personnel will not interview potential child victims under any circumstances. The necessary identification information pertaining to children should be obtained from an adult present when possible. **Safe house interviews may be scheduled for children that are witnesses to violent crimes and will be scheduled by the CID Investigator.**
- G. Field Services personnel shall not attempt to take statements or elicit confessions from potential offenders.
- H. In the event that the Criminal Investigations Division responds to the scene of any investigation, Field Services Personnel will complete a shell report with follow-up reports being completed by the Criminal Investigations Division. The



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Field Services report will be turned over to the on-call investigator at the time that he responds to the scene.

- I. Field Services personnel will not need to add detailed information to the shell report. Field Services personnel will not do extensive interviews with adult sexual assault victims. In depth interviews will be conducted by investigators at their discretion.
- J. In the event that an investigator is called to the scene, the first responder will see to it that all of the responsibilities of a "First Responder" under the CRIME SCENE PROCESSING section of this manual are addressed.

**323-2 FIRST RESPONDING SUPERVISOR**

- A. Will respond to all requests for assistance from Field Services Deputies.
- B. After receiving a briefing from the Deputy, the supervisor will assess the situation and request any additional personnel needed.
- C. In the event a Deputy encounters a violent crime that will require law enforcement intervention beyond that which the Field Services Division can provide, the First Responding supervisor will request that the On-Call **CID Supervisor be contacted to initiate a CID response.**
- D. The Field Services supervisor will **notify the On-Call CID Supervisor** for all apparent suicides. The protocol described in the CRIME SCENE PROCESSING section of this manual will be followed.
- E. The on-duty Field Services supervisor will always respond to any scene involving a death. Unless that supervisor has compelling evidence that a death was natural they will **notify the On-Call CID Supervisor.**
- F. Should the Field Services supervisor elect not to request the assistance of the On-Call **CID Supervisor**, they will be responsible for initiating efforts to contact the victim's next of kin, if notification has not been made. The Field Services supervisor will only authorize contact with the next of kin in situations where the identity of the deceased is certain. Should the identity of the deceased be uncertain, the Field Services supervisor will contact the On-Call **CID Supervisor** and request that they respond for further investigation.
- G. In the event that the victim of a violent crime is transported to a hospital for treatment, the supervisor will dispatch a Deputy to the hospital to stand by with the victim for the purpose of taking emergency statements from and protecting evidence transported with the victim.

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- H. First Responding supervisor will not interview potential child **witnesses** under any circumstances. The necessary identification information pertaining to children should be obtained from an adult present when possible.
- I. First Responding supervisors shall not attempt to take statements or elicit confessions from potential offenders.
- J. In situations in which a report is filed but the Criminal Investigations Division does not respond, the supervisor will ensure that a copy of the Offense/Incident report is forwarded to the Criminal Investigations Division supervisor in charge of violent crimes investigations.
- K. In the event that an investigator is called to the scene, the First Responding supervisor will see to it that all of the responsibilities of a "First Responding Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

### **323-3 ON-CALL INVESTIGATOR**

- A. The On-Call investigator will respond to all requests for assistance pertaining to violent crimes cases. Response will not be at the discretion of the investigator. The investigator will not attempt to assess a situation via telephone.
- B. The investigator will interview child **witnesses** only after they have determined that the interview is absolutely necessary and that the interview will not interfere with later interviews or the prosecution process. If necessary the investigator will schedule an emergency Safe House interview to ensure that statements are court acceptable.
- C. The investigator will schedule all subsequent child **witness** interviews to include non-emergency Safe House interviews.
- D. All suspect interviews taking place in the Criminal Investigations Division facilities will be both audio and video taped. Field interviews of suspects will be audio taped.
- E. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. All photo arrays shown will be accompanied by an approved photo array identification sheet. Once a photo array has been shown, it will be tagged into evidence even if no identification was made from the array.
- F. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will ensure that search warrants which are prepared prior to a suspect's arrest are

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accompanied by both a motion to seal and an order to seal **when necessary**.

- G. Investigators will go over all evidence collected with reference to their investigation. Request for additional or specialized evidence examination must be made in writing to the Criminalistics Unit.
- H. The investigators will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- I. In the event that an investigator is called to the scene the On-Call Investigator will see to it that all of the responsibilities of an "On-Call Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

#### **323-4 INVESTIGATIVE SUPERVISOR**

- A. The supervisor will provide the communications center with contact numbers for an On-Call investigator at all times.
- B. The supervisor will respond to any calls for assistance from the Field Services Division or the On-Call investigator.
- C. The supervisor will be available for consultation should the investigator need assistance. The investigator may consult with the supervisor via telephone or request their assistance at the scene if necessary.
- D. Should the investigator encounter problems the supervisor will ensure that the proper support personnel respond to assist the investigator, this includes the Criminalistics investigator, the Office of the Medical Investigator or the On-Call Assistant District Attorney when necessary.
- E. The supervisor will automatically respond to any situations involving a death.
- F. The supervisor will review and approve all search warrants to be executed during the course of the investigation. The supervisor will ensure that search warrants which are prepared prior to a suspect's arrest are accompanied by both a motion to seal and an order to seal **when necessary**.
- G. The supervisor will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- H. In the event that their supervisor is called to the scene they will see to it that all of the responsibilities of a "Criminal Investigations Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

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**323-5 ON-CALL CRIMINALISTICS INVESTIGATOR**

- A. The On-Call Criminalistics Investigator will respond to the scene of all violent investigation at the request of the case investigator.
- B. The Criminalistics investigator will respond to the detention center to assist the case investigator if requested to do so.
- C. The Criminalistics investigator will respond to any medical facility which is holding evidence pertaining to this investigation. That evidence will be collected and processed using methods which will make the evidence readily acceptable for prosecution use.
- D. All evidence collected by Criminalistics personnel will be secured in an acceptable Department facility. All evidence not requiring additional examination and/or not posing a Bio-Hazard will be tagged into the Departments evidence room on the next regular business day. Evidence which needs additional examination will be handled as described below. Evidence which poses a Bio-Hazard problem will be handled in accordance with procedures acceptable to both the courts and OSHA.
- E. All requests for evidence processing which will take place in the Criminalistics Unit must be completed within 5 days of receiving that request from the case investigator.
- F. Criminalistics investigators will prepare any evidence that must be examined by outside sources for shipping. Those items which require additional examination by outside sources must be either shipped or transported to that facility within 5 days of receiving the request from the case investigator. All methods of evidence handling and shipping must be completed in a manner which will make the evidence readily acceptable for prosecution use.
- G. Over the course of the investigation, Criminalistics investigators may be called upon to assist the case investigator in many ways to include crime scene examinations, warrant service, evidence examination or the preparation of evidence for shipping to a laboratory for additional examination. Supplemental reports from the Criminalistics personnel shall be completed and forwarded within 5 working days.
- H. In the event that an investigator is called to the scene, the On-Call Criminalistics Investigator will see to it that all of the responsibilities of a "On-Call Criminalistics Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

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### **324 DEADLY FORCE INVESTIGATIONS**

The Department shall fully investigate all incidents in which citizens coming in contact with ~~sworn~~ personnel suffer severe injury or death. Personnel of the Department's Deadly Force Investigative Team are required to conduct complete investigations, making use of any physical evidence or witness statements which may be available to collect and preserve physical evidence pertaining to the incident being investigated. Deadly Force Investigative Team personnel are required to collect all physical and testimonial evidence in a manner which ensures that the evidence is useful for courtroom presentation.

The team will be responsible for the investigation of the use of force resulting in death or great bodily injury by Department personnel, with the exception of motor vehicle related incidents.

This team will also investigate the deaths of all persons who are in the custody of the Bernalillo County Sheriff's Department at the time of their death, with the exception of motor vehicle related accidents.

The Sheriff or his designee will be responsible for the formation of a Department "Deadly Force Team", which will be responsible for this type of investigation.

The following guidelines and responsibilities are hereby defined:

#### **DEFINITIONS:**

##### **FIRST RESPONDER**

This is the first sworn Deputy to arrive at the scene regardless of rank. The section written under this heading applies to all personnel regardless of assignment.

##### **FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

##### **DEADLY FORCE INVESTIGATIVE TEAM**

The group of investigators assigned by the Sheriff to investigate the uses of deadly force. These investigator will perform both the investigation and the criminalistics functions as directed by the Deadly Force Team Supervisor.

##### **CRIMINALISTICS TEAM**

Those personnel of the investigative team assigned to perform criminalistics work at the scene and during the investigation.

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**DEADLY FORCE TEAM SUPERVISOR**

For the purposes of this section, Investigative Supervisor will include the supervisor appointed to this position by the Sheriff or his designee.

**RULES AND PROCEDURES:**

**324-1 FIRST RESPONDER**

- A. The first Deputy to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction, or contamination of evidence.
- B. Will identify, detain and separate possible suspects and witnesses.
- C. Field Services Deputies will identify the scope of the scene and then secure an area larger than the scope of the scene.
- D. Field Service Deputies will not unnecessarily enter the perimeter of the crime scene, this section applies to all Field Services personnel regardless of rank or assignment.
- E. Will ensure that a crime scene log is initiated and maintained during the course of the investigation.
- F. Will not relay information pertaining to the investigation to witnesses or by-standers.
- G. Will remain on scene until relieved by the Deadly Force Team supervisor.
- H. All sworn personnel who are deemed as witnesses will be required to submit a detailed Offense/Incident report to the Deadly Force Team supervisor or investigators. These reports are to be completed and turned over to Team personnel prior to the end of the employee's shift, should they be on duty, or prior to their leaving the scene if they are in an off duty capacity.
- I. Any evidence collected prior to the arrival of Criminalistics will be properly documented and then turned over to Criminalistics personnel at the scene.

**324-2 FIRST RESPONDING SUPERVISOR**

- A. Will obtain a full and complete briefing of the circumstances pertaining to the incident. Any information obtained from the involved Deputy(s) shall be taken only after Garrity warnings have been administered.
- B. Will also insure that all potential witnesses have been separated and secured and that a crime scene log is being maintained and that crime scene security is in place.

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- C. Will confirm that the Deadly Force Team, the Internal Affairs Unit, the Office of the Medical Investigator, and the District Attorney's Office have been contacted and informed. The supervisor will at this time begin a log indicating where Deputies involved in this investigation are assigned and what their function is at that location.
- D. Will advise concerned Deputy(s) of their Right to Counsel throughout the entire criminal investigation.
- E. Will allow involved Deputy(s) to consult with counsel in private, if requested, prior to any questioning concerning the incident. For purposes of this section a single representative of the BCDSA may assist in lieu of counsel until the time the Deputy(s) attorney(s) arrives, at the Deputy(s) discretion.
- F. Will obtain the name of a companion Deputy from the involved Deputy(s) and attempt to have the companion Deputy contacted.
  - 1. The companion Deputy will be responsible to serve in a supportive role during the subsequent events; however, the chosen companion may be required to provide a statement to investigators.
  - 2. The companion Deputy may be required to provide transportation for the involved sworn or non-sworn personnel as well as to make other arrangements as necessary.
  - 3. Deputies involved in the incident cannot serve as companion Deputies.
- G. Will ensure that involved sworn personnel maintain all clothing and equipment until retrieved by Criminalistics personnel.
- H. Will begin an area canvas to locate any suspects or possible witnesses. All witnesses or suspects will be held for the Deadly Force Team supervisor.
- I. Will remain on the scene until relieved by the Deadly Force Team supervisor. The First Responding Supervisor may not relinquish control of the scene without conducting a full and complete briefing with the Deadly Force Team supervisor.

**324-3 THE DEADLY FORCE INVESTIGATIVE TEAM**

- A. Will conduct all interviews and statements as necessary.
- B. Will answer directly to the Deadly Force Team supervisor regardless of his current regular assignment.
- C. No individual suspect photos will be used for the purpose of



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identification. The investigator will prepare a photo array(s) to be used for identification purposes. An approved photo array identification sheet will accompany all photo arrays shown. Once a photo array has been shown it will be tagged into evidence even if no identification was made from the array.

- D. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will insure the search warrants that are prepared prior to a suspect's arrest are accompanied by both a motion to seal and an order to seal.
- E. Investigators will go over all evidence collected with reference to their investigation. Request for additional or specialized evidence examination must be made in writing to the Criminalistics Unit.
- F. Is responsible for all phases of the Criminal Investigation, with the exception of retrieving, processing, securing and collecting evidence.
- G. The investigator will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.

**324-4 CRIMINALISTICS TEAM**

- A. Will work directly under the supervision of the Deadly Force Team supervisor.
- B. Entrance to the inner perimeter of the crime scene will be allowed only after the Criminalistics investigator has received a full and complete briefing from the Deadly Force Team supervisor. All personnel of the Deadly Force Team are to be present for the initial briefing.
- C. Criminalistics personnel will then enter the crime scene and videotape it in its entirety. Once the videotape is completed the criminalistics unit will withdraw from the scene and review the tape with the lead investigator. At this time, the lead investigator will indicate any special investigative procedures they wish to have undertaken. In the event that a videotape cannot be reviewed on the scene, the lead investigator will accompany the criminalistics investigator on his initial walk through in order to point out special procedures they wish to have performed.
- D. Because access to the scene itself is restricted, this crime scene video will also be made available to the Internal Affairs Unit, the Department Command Staff and the Department's Public Information Officer. If for technical reasons a video is not available the lead investigator will brief the above listed personnel after completing the initial crime scene inspection so that the listed personnel can complete their

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assigned duties.

- E. After the completion of the initial crime scene investigation by the Criminalistics Unit, a Deadly Force Team debriefing will take place. Once this debriefing is completed the following parties may have access to the inner perimeter at the discretion of the Deadly Force Team supervisor:
  - 1. Deadly Force Team personnel.
  - 2. Internal Affairs personnel.
  - 3. District Attorney's personnel.
  - 4. Special investigative resources requested by the Team supervisor.
- F. The Criminalistics Unit will have immediate access to involved personnel for the purpose of collecting trace evidence. In instances involving the use of a firearm the Criminalistics Unit will perform a primer residue test on the involved personnel and will collect the sworn personnel's firearm and leather gear once they arrive at the Criminal Investigations Division. The Criminalistics unit will collect all items of clothing which have trace evidence present on them.

**324-5 DEADLY FORCE TEAM SUPERVISOR**

- A. The Deadly Force Team supervisor will not accept control of the scene until he has received a full and complete briefing from the Field Services supervisor, to include the identity of Deputies involved in the investigation and their current assignments and status.
- B. After accepting the scene from the First Responding Supervisor the Deadly Force Team supervisor will be responsible for the overall coordination of the investigation.
- C. Will direct the transportation of witnesses and suspects to include the involved Deputy(s) to the Criminal Investigations Division for interviews and/or statements. Transportation arrangements will be made as expeditiously as is reasonably possible.
- D. Will keep all concerned personnel appraised of the investigation's status and will schedule a complete debriefing with the Sheriff's staff within 24 hours of the event and will schedule a debriefing with other involved agencies within 7 - 10 working days.
- E. Will act as the liaison between outside agencies (i.e. District Attorney's Office, APD, FBI, etc) and the Bernalillo County Sheriff's Department.

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- F. Will act as the liaison with the Department's Internal Affairs unit.
- G. Will review any and all information intended for release to the news media, along with the involved Division Commander, the Sheriff or his selected appointee, and the Public Information Officer prior to the release of the information to the media. All information intended for media release must go through this process.
- H. Will have the authority to assign additional personnel, as he deems necessary.
- I. Will ensure that the case is completed, in a timely manner and submitted to the District Attorney's Office for review.
- J. Will be responsible for seeing that Deputy(s) surrendering their firearms for evidential purposes have replacement weapons provided to them immediately upon the collection of the involved weapons and that replacement leather gear and ammunition is also provided at the time. Any other Department issued equipment that is surrendered to the Deadly Force Investigative Team will be replaced as soon as available.

**324-6 INTERNAL AFFAIRS UNIT**

- A. Will monitor the investigative process to assure that only proper investigative techniques are used.
- B. Will complete the Sheriff's Administrative investigation per the guidelines set down in the Internal Affairs section of this manual.

**324-7 INTERVIEWS AND STATEMENTS**

- A. The Deputy(s) involved will be advised of their Miranda Warnings prior to the Deadly Force Teams request for a formal statement.
- B. If the involved Deputy(s) do not wish to waive their Constitutional Right to silence the interview will immediately cease.
- C. If the Deputy(s) involved request an attorney, one will be provided prior to questioning.
- D. The involved Deputy(s) will not be required to submit any form of written report or documentation as to the events under investigation should he choose not to.
- E. Initial interviews will be conducted in private; however, members of the District Attorney's Office, and OMI will be able to monitor any and all questioning. These interviews will be documented with the use of both audio and video recording devices.

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- F. The Deadly Force Team supervisor will select the personnel who conduct the interview.
- G. If possible, civilian witnesses, along with Department personnel who are witnesses, will be interviewed prior to the Deputy(s) directly involved in the incident (Note: this does not limit the Deadly Force Team supervisor/ investigator from interviewing the Deputy(s) directly involved in the incident, prior to the interviewing of any witnesses).
- H. The involved Deputy(s) may at this point request to consult with the Department Psychologist or any attorney.
- I. The Department's Internal Affairs representative will schedule an interview for the involved Deputy(s). This interview will take place as soon as is practical. The Internal Affairs interview will be taken following that unit's interview guidelines.

**324-8 ADMINISTRATIVE LEAVE**

- A. Any employee involved in an incident resulting in serious injury or death will be placed on Administrative Leave for a minimum of three days; however, a longer period can be granted if the situation warrants it. The Bureau Chief Deputy or higher authority must authorize the request for leave longer than three days. This time is to be used for both the psychological welfare of the employee and to allow time for an administrative review to be conducted. An administrative review will be conducted on all such incidents to include a documented review that indicates whether policy, training, equipment, or disciplinary issues need to be addressed.
- B. Administrative Leave can also be applicable to non-sworn personnel if a supervisor requests it.

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### **325 UNDERCOVER LICENSE/IDENTIFICATION/COVERT OPERATIONS**

The Department shall provide undercover credentials to personnel in accordance with their current assignment.

#### **RULES AND PROCEDURES:**

#### **325-1 LICENSE AND IDENTIFICATION**

- A. No Deputy or employee may apply for, or possess any : drivers license, official identification card, license plate, vehicle registration/title, social security card, credit card, etc., for use as part of his official duties without the express written permission of the Sheriff.
- B. The Commander of the Criminal Investigations Division shall receive all requests for undercover credentials (as outlined in this manual), and shall review the same, and be responsible for the following:
  - 1. Compliance with current guidelines and forms of the issuing agency/company shall be ensured.
  - 2. Determination of need.
  - 3. Recapture of the items(s) of identification when an expiration date is reached and/or need no longer exists.
  - 4. Obtaining necessary signature(s) on applications.
  - 5. Maintenance of records of issuance/application for a period of time to be assigned by the Sheriff.
- C. Undercover credentials may only be used during the actual operations of an undercover assignment.
- D. Use for the avoidance of consequences resulting from traffic violations or similar incidents is strictly prohibited.
- E. Loss or seizure of undercover credentials shall be reported to the Commander of the Criminal Investigations Division, in writing, immediately, but in no event more than (12) twelve hours after discovery of the loss, or the time of seizure.
- F. Undercover credentials will be considered Department property, and shall be surrendered to the Criminal Investigations Commander upon request.

#### **325-2 COVERT OPERATIONS**

A Covert Operations is any investigation involving undercover activities. An undercover operation may involve significant expenditure of funding, manpower, and resources. Covert

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operations may involve the issuance and use of False Identification, and roles which may continue for an extended period of time. Covert Operations include but are not limited to Narcotics Violation, Prostitution, Stolen Property, Sting or Scam Operations. All undercover operations must be approved by the Sergeant or above.

1. All Covert Operations will have a written "Operations Orders" approved by Sergeant or above.
2. Any "post briefing" changes to the operations order will be approved by the "on site" supervisor, and after serious consideration to the undercover and team safety.
3. Any deviation to this policy will be approved by a Sergeant or Above.
4. Undercover units will keep current on Department policies, rules, regulations, court ruling, and law pertaining to undercover operations.
5. During Covert operations a cover team must be assigned. The primary responsibility of the cover team is the safety of the undercover agent.
6. A debriefing will follow all Covert Operations.

**325-3 UNDERCOVER RESPONSIBILITIES**

- A. Develop easy to understand and identify "good buy" and "help" signals.
- B. The undercover detective will attend the entire briefing and display what they will be wearing.
- C. The undercover detective/agent will have constant contact with the operations supervisor by phone or radio.
- D. The undercover detective/agent will stay within the boundaries assigned and out of the "danger zones" described in the operations briefing.
- E. The undercover detective/agent will have a predetermined solution to being confronted as police.
- F. The undercover detective/agent will know where stationary surveillance is located.
- G. The undercover detective/agent will meet and talk with the "trailer/rover" prior to being "onsite".
- H. All police related items will be removed except those need for the operation.



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- I. The use of "Props" is encouraged.
- J. The undercover detective/agent should be able to positively identify the target/suspect.
- K. The undercover detective/agent should have a knowledge of narcotics being sold and price.

325-4

**SUPERVISOR RESPONSIBILITIES**

- A. Supervisors will continually monitor Covert Operations and operatives on a daily basis.
- B. Supervisors will weigh the risks involving the undercover detective or agent.
- C. Supervisors will ensure a Cover Team is provided for the undercover detective/agent.
- D. Supervisors will ensure the undercover detective/agent is properly equipped.
- E. Supervisors will conduct by-weekly audits of current operations. The audit will include but not limited to expenditures, equipment.

325-5

**OPERATIONS ORDERS**

- A. All operations orders will be approved by Sergeant or above.
- B. All operations order will be thorough, complete, and address officer safety contingency plans (i.e., down or injured Deputies, hostage situations ect.).
- C. All operations orders will have a minimum of these items covered:
  - 1. Detailed mission statement.
  - 2. Location of operation.
  - 3. Date and Time of Operation.
  - 4. Case Agent assigned.
  - 5. Briefing Detective/Case Agent.
  - 6. Supervisor of operation.
  - 7. Sergeant approving operation.
  - 8. Radio frequency.

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9. Notify radio of operation.
10. Detailed suspect(s) information.
11. Suspect vehicle(s) information when possible.
12. Search Warrant check list (items needed on warrant)
13. Hazard (i.e. locations, types of doors, barriers, fence, Gates, bushes animals ect).
14. Address verification and detectives name.
15. children at location.
16. Staging location.
17. Vehicles to go to scene.
18. Parking location.
19. Misc. notes.
20. Briefing notes.
- 325-6 21. List of Detectives/Deputies assigned.

**DECOY OPERATIONS**

It is the policy of the Criminal Investigations Division to provide a safe and workable environment while conducting Decoy Operations.

A. DEFINITIONS

1. Surveillance:

An operational activity involving the close watch over a person, place or thing that is believed to be involved in criminal activity.

2. Target Area:

The anticipated working area where the surveillance activity will take place.

3. Communications:

The ability to relay changing operation situation to all units involved in the activity (including Field Services) while the operation is in progress.

B. USE OF OPERATIONAL PLAN

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1. It is the responsibility of the supervisor to ensure the operation plan is completed and copies are made available to all participating personnel. Additional copies of the operational plan may be required by the Chain of Command.
2. The operational plan will include a designated bust signal and/or danger signal in case the undercover Detectives need assistance.
3. The Supervisor will, to the best of his ability analyze the victim's (vice operations) and offenders. If there is information that could be deemed important to the Operation after this analysis, it shall be included in the operation plan.
4. The decoy officer will make every attempt to present himself to the targets as the victim. This included use of appropriate disguises or other props necessary to portray the necessary role.
5. If there is a question to the legal ramification of the particular operation or aspect of the operation, the concern will be brought to the immediate attention of the section commander. He/She will seek a legal opinion from the legal adviser or the District Attorney's Office.
6. If operational funds are required for the operation, funds will obtained from the supervisor in accordance with accepted policy. The supervisor shall notify the Field Services Division watch commander of an decoy operations underway in their area.

325-7

**RAIDS**

A. POLICY

It is the policy of the Criminal Investigations Division to provide a safe and efficient method to plan for and conduct organized crimes, vice and narcotics warrant service.

B. RULE AND PROCEDURES - WARRANT AUTHORIZATION

The section commander shall be notified prior to the execution of a search warrant.

C. PLANNING AND EXECUTING SEARCH WARRANTS

Members shall follow Section 321 and conform to this Section when planning the execution of search warrants.

1. Assignments shall be made for evidence custodian,

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photographer, and the search teams will be assigned to each room required.

2. The supervising officer may delegate this responsibility to the case agent of deemed appropriate.
3. Members and the supervising officer shall develop strategies and tactics to be utilized for maximum safety and efficient use of manpower when entering the premises to be searched.
4. In the event the operation is a "buy bust", a danger signal shall be agreed upon to allow the rescue of the undercover detectives as soon as possible.
5. A method of communication between all operational units will be decided upon (normal police radio, voice privacy radios, ect.) as part of the operational plan, frequencies and call numbers will be recorded on the "operational plan".
6. Contingencies shall also be made for emergency medical assistance if required. The operational plan shall also include the nearest hospital emergency room location.
7. Copies of the operational plan shall be made available to all members of the operation, and a copy placed in the command post (if one is in use).
8. Forced entry is permissible if circumstances exist as outlined in Section 321-4 of the Department Standard Operating Procedures manual. Exigent circumstances should be discussed.
9. If practical, arrest warrants should be obtained in advance. Otherwise, probable cause arrest may be made at the scene if circumstances legally permit it.
10. Division members are encouraged to utilize the services of S.W.A.T. whenever possible. If S.W.A.T. is to be used, the affiant will notify the supervising officer who in turn will notify the section commander. It is the responsibility of the section commander to liaison with the S.W.A.T. commander, and arrange for their participation.
11. Prior to departure to execute the warrant, all participating members along with S.W.A.T. and uniformed officers shall conduct a briefing at the predetermined location. The anticipated scenario shall be discussed along with danger signals, bust signals, suspect information, vehicle information, ect. A copy of the operation plan shall be made

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available at the time to all personnel.

12. Realizing such activities often change as the operation progresses, personnel shall remain in alert for new or changing situations and assignments.
13. Once operation is complete , the supervising officer shall ensure all participants are accounted for. This may be done through an informal debriefing, or an informal visual inspection.
14. Supervising officers are encouraged to have a formal critique of the operation as soon as practical. Such things as missing communications, planning deficiencies, resource allocations, and officer safety should be topics of discussion.
15. At the conclusion of a search warrant, all detectives involved will write a supplemental report to the case agents report, indicating the role they played during the execution of the search warrant.

325-8

#### **SURVEILLANCE OPERATIONS**

The Criminal Investigations Division is to provide a safe and workable environment while conducting surveillance operations.

##### **A. DEFINITIONS:**

###### **1. Surveillance:**

An operational activity involving the close watch over a person, place or thing that is believed to be involved in criminal activity.

###### **2. Target Area:**

The anticipated working area where the surveillance activity will take place, including travel routes, all known offenders homes and locations frequented.

###### **3. Communications:**

The ability to relay changing operational situations to all units involved in the activity (including field services) while the operation is in progress.

##### **B. RULES**

1. The case agent will, to the best of his ability, analyze the victims and offenders. If there is information that could be deemed important to the operation after this analysis, it shall be included in

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the surveillance briefing.

2. The case agent will determine the operational procedures for Surveillance.
3. The Sergeant shall give weight to the proper equipment and vehicles to be used on the operations and make arrangements to procure the necessary equipment.
4. If there is a question as to the legal ramification of the particular operation or aspect of the operation, the concern will be brought to the immediate attention of the section commander. He/she will seek a legal opinion from the legal adviser or the District Attorney's Office.
5. If operational funds are required for the operation, funds will be obtained from the supervising officer in accordance with accepted policy.
6. At the conclusion of the surveillance, the case agent in charge should conduct a debriefing of all personnel involved.

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### **326 CHILD ABDUCTION / INVOLUNTARY MISSING**

The Department shall respond immediately to the report of an abducted child. The Department will conduct a thorough investigation, including the use of all appropriate and available resources.

#### **DEFINITIONS:**

##### **INVOLUNTARY MISSING / CHILD ABDUCTION**

An involuntary missing/abducted child is considered to be any person under the age of eighteen (18) whose whereabouts are unknown. It must be clearly determined that the child's life is or could be in eminent danger or the child could suffer serious bodily harm or death.

##### **CHILD ABDUCTION INDICATIONS**

1. Potential verified information regarding the child as a victim of foul play or sexual exploitation.
2. Is the child 13 years old or younger? Any verifiable information regarding the child having diminished mental capacity?
3. Any electronic communications indicating/reflecting the child has been in communications with possible child predators.
4. Believed to be with anyone who could endanger his or her welfare.
5. Absent under circumstances inconsistent with established patterns of behavior.
6. Witness information observing a possible abduction
7. Missing for over 24 hours before being reported to law enforcement.
8. Does the child's disappearance involve circumstances that would cause a reasonable person to believe the child could be at risk?

##### **ADDITIONAL RESOURCES**

1. National Center for Missing and Exploited Children  
1-800-THE-LOST
2. Metropolitan Air Support Unit
3. A Child is Missing Alert - 1-888-875-2246
4. Sheriff's Department K-9 Unit
5. Sheriff's Department Search and Rescue
6. SORT Unit - Sex Offender Checks (alibi validations)
7. Albuquerque Police Department
8. New Mexico State Police
9. Federal Bureau of Investigations

#### **RULES AND PROCEDURES:**

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**326-1 FIRST RESPONDER RESPONSIBILITIES**

A. Deputies shall:

1. Interview the parents/guardian/reporting party for the related incident.
2. Confirm the child is indeed missing under the above listed circumstances.
3. Enter the child into NCIC IMMEDIATELY - Request the Child Abduction flag be attached to the child's NCIC entry.
4. Continually brief the Field Supervisor/Communications of any and all developing information.
5. Verify the child's custody status
6. Identify the circumstances of the disappearance - When, Where and by Whom the missing child was last seen.
7. Identify the child's zone of safety and conduct a search of the child's home, immediate areas, vehicles, outbuildings or other areas of viable interest. Document areas of initial search.
8. Obtain a detailed description of the child, along with a current photograph, as well as descriptions of any possible abductors/suspects along with the vehicle information, direction of travel, time delays etc. All photographs and any electronic evidence should be emailed to [missing@bernco.gov](mailto:missing@bernco.gov).
9. Interview potential witnesses on scene, including children - tape record all interviews and tag in to evidence.
10. Contact Communications and disseminate the information to adjoining jurisdictions and request an ATL/BOLO as soon as pertinent information is available.
11. Request additional resources as needed with approval of the Field Supervisor.

**326-2 SUPERVISOR RESONSIBILITIES**

A. Field Supervisors shall:

1. Obtain a briefing from the initial deputy.
2. Determine if additional personnel and resources are needed.
3. Organize and coordinate an immediate search of the area

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surrounding the missing child's home and/or place where the child was last seen.

4. Assign a deputy as a liaison to the child's family.
5. Contact the On-Call CID Supervisor.
6. Ensure the child has been entered into NCIC with the appropriate "child abduction" flag by the initial Deputy.
7. Establish a Command Post location.

B. CID/SVU Supervisor shall:

1. Determine the current level of response and coordinate with the field supervisor
2. Upon arrival at scene - assume command of scene investigation/Command Post operations.
3. If CID Supervisor determines a high probability exists that the child was abducted/in danger/serious harm or death and Amber Alert criteria is met - She/he will activate the **A.L.E.R.T (Area Law Enforcement Response Transmission) broadcast - 767-6770/767-9189**. This will require verification/password by CID Supervisor. This initiates an **"Attempt To Locate"** over the Emergency Alert System. **KKOB** will then activate the statewide **A.L.E.R.T** broadcast via television and radio.
4. Contact **DOT** to have mechanical road signs reflect **AMBER Alert** information.
5. Request and manage resources as needed.
6. Continually brief the CID Commander on current status.
7. Assign duties as necessary to CID responding personnel.
8. Assign a records keeper to keep track of investigative steps.

**326-3 COMMUNICATIONS RESPONSIBILITIES**

A. The Communications Operator shall:

1. Determine if circumstances of the report meet the definition of an Involuntary Missing Child/Abduction as set forth under the "definitions" section.
2. Immediately dispatch a deputy to the scene of the report.
3. Immediately dispatch a field supervisor.

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4. Transmit the appropriate radio alerts and other notifications, and update the initial information as updated information is received.
5. Search radio/dispatch records for related information, and relay this information to the responding deputy and/or field supervisor.
6. Verbalize all information transmissions so they are recorded and stored for investigative purposes.
7. Ensure that relieving dispatch personnel are fully briefed, and have possession of pertinent records when taking over the dispatch responsibilities.

**326-4 ABDUCTION ALERT PLAN**

The Abduction Alert Plan is designed to help locate missing children believed to be abducted. The program is a cooperative public service effort between local law enforcement, news media outlets, and the public.

**RULES AND PROCEDURES:**

**326-5 RESPONSE GUIDELINES**

- A. Field Deputies will gather and assess pertinent information at the scene of a reported child abduction. This information will be confirmed and the on-scene supervisor will request CID on-call supervisor/ or specifically the SVU Supervisor. Selected CID supervisory personnel and or namely the SVU Sergeant will have the responsibility to determine if the "ABDUCTION ALERT" criteria have been met.
- B. The criteria for the alert to be made is the following:
  1. The child is eighteen (18) years of age or younger, or with a proven mental or physical disability.
  2. The investigating personnel strongly believe the missing child has been abducted and is in danger of serious bodily harm or death.
  3. The responding personnel have conducted an investigation that has verified the abduction or ruled out alternative explanations.
  4. Sufficient information is available to disseminate to the public that could assist in locating the child, suspect, or suspect's vehicle.
- C. If the criteria is met, the selected CID personnel/SVU Supervisor will activate the **A.L.E.R.T** system representative. The dissemination contact will be the **KKOB Control Room 767-6770/767-9189**. The control room is manned 24 hours a day. The abduction information sheet with

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CORRECT, VERIFIED information will be faxed to KKOB and will be used for the 'EAS' recording and forwarded to all participating media outlets.

- D. The listed media representative will maintain a verification sheet identifying the authorized department personnel who may initiate an ABDUCTION ALERT. This list will be distributed to the appropriate "EAS" representatives annually by the Special Victims Unit Supervisor. The list will contain the names and last four numbers of the authorized personnel's social security number. If the authorization cannot be verified, the alert **WILL NOT** be made.
- E. The CID/SVU Supervisor will make notification to the Communications Center of the information and ensure it is disseminated to all local law enforcement agencies. Neighboring State jurisdictions will be notified at the request of a CID/SVU Supervisor.
- F. The CID/SVU initiating the A.L.E.R.T authorizer will consult with the CID Commander before cancelling the A.L.E.R.T. Personnel who authorized the alert must be the one to cancel the A.L.E.R.T with Commander approval. An 'EAS' representative will be notified of the cancellation as well as all local/notified law enforcement agencies. Any updated information will be given to the media/law enforcement per their request.

**326-6 MEDIA RESPONSIBILITIES**

- A. The designated "EAS" representative will receive the faxed/mailed notification form and also record the statement from the verified law enforcement personnel authorized to activate the AMBER ALERT.
- B. Upon receiving the information from the verified source, will initiate the "EAS" system and broadcast the "ABDUCTION ALERT" information as soon as possible.
- C. Television stations will begin "crawlers" at the bottom of the television screens to disseminate information as soon as practical. Photographs will be provided to the media as soon as possible for display.
- D. Utilize alert information on all regularly scheduled news broadcasts.
- E. The appropriate duration of the alert being broadcast is four (4) hours, although if there is current, viable, information being received, this may be extended by the law enforcement agency in charge of the investigation.
- F. All updated information which effects the location of the abducted child will be sent via fax/email to the "EAS"

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representative on an "**Abduction Alert Notification Sheet**".

- G. The "EAS" representative will verify the law enforcement personnel making the abduction alert request, by matching the name and last four (4) numbers of their social security number to the verification list provided by the participating law enforcement agency. The verification will be made prior to making the **AMBER ALERT**.

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### **327 EMERGENCY RESPONSE TEAM**

The Department's Emergency Response Team will be utilized for periods of Civil Disorder, Major Criminal Events, Disasters, Dignitary and Scene Security.

#### **DEFINITIONS:**

##### **E.R.T.**

Emergency Response Team

##### **CIVIL DISORDER**

May include but are not limited to events or public gatherings where acts of civil disobedience resulting in criminal offenses are likely to occur.

##### **MAJOR CRIMINAL EVENTS**

May include but are not limited to foreign or domestic acts of terror, large-scale criminal incidents, community evacuations resulting from criminal events, fugitive hunts or investigations, mass arrests, hostage/barricaded situations etc.

##### **DISASTERS**

Both manmade and natural disasters to include but not limited to aircraft accidents, hazardous materials events, wild land fires, severe storms, localized search and rescue operations or missing persons searches, etc.

##### **DIGNITARY AND SCENE SECURITY**

Where any need exists for the mobilization of a small field force unit to preserve evidence or control access to areas or persons that have been determined as sensitive in nature.

#### **RULES AND PROCEDURES:**

##### **327-1 USE OF E.R.T.**

- A. The E.R.T. Unit will be under the operation of the Field Services Division. All operations involving a specified Division will be reported to the appropriate Division Commander by the E.R.T. Commander.
- B. The E.R.T. Unit will only be deployed upon the request of a Division Commander or above, with the approval of the Field Services Division Commander. If more than one squad of the E.R.T. Unit is activated, approval must come from the Operations Bureau Chief.
- C. Utilization criteria:

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1. The E.R.T. Unit may be called out for periods of Civil Unrest, large protests and demonstrations, or other incidents as described in the ERT mission statement. If an event is scheduled, supervisors will do their best to give advance notice to the E.R.T. Commander and / or F.S.D. Commander.
  - a. During large protests, the S.W.A.T. Team will provide tactical support to the E.R.T. Unit, including counter sniper details, arrest teams and lethal options.
  - b. K-9 Teams will be utilized during large protests as E.R.T. skirmish line defense.
  - c. The Traffic Unit will be responsible for all booking and transport details, coordinated through the Traffic Unit Sergeant.
  - d. The "on call" Street Crimes Detectives and C.I.D. personnel will be utilized for intelligence gathering, videotaping and prisoner processing during large protests.
2. The E.R.T. Unit may be utilized for scene security, recovery operations, and law enforcement functions during natural and manmade disasters.
3. The E.R.T. Unit may be utilized in assisting federal, state, or local authorities in Dignitary protection details for political, celebrity or other persons requiring such details. The S.W.A.T. Team will be utilized for all Counter Sniper details and Emergency Assault Details in conjunction with Dignitary Protection.
4. The E.R.T. Unit may also be utilized for other Site Protection Details as deemed necessary, to include but not limited to: site security for high profile court cases, sporting events, concerts, or other large events.
5. The E.R.T. Unit will be deployed with a minimum of the on-call E.R.T. Sergeant.

**327-2 PERSONNEL**

- A. The Department will select and train a minimum of forty five (45) personnel for an Emergency Response Team. ERT Deputies and one Sergeant may be placed on-call on a rotating basis as determined by the unit resources and Department needs.
- B. The Emergency Response Team will consist of one Lieutenant, three (3) Sergeants and forty five (45) Deputies. During periods of activation or deployment, ERT personnel will be divided into squads or teams based on need and the scope of the incident. A "Squad Leader" will be selected from each squad during deployments or activations.

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- C. The E.R.T. Lieutenant will fall under the F.S.D. chain of command while working in the E.R.T. capacity, answering to the F.S.D. Commander.
- D. Duties of the E.R.T. Lieutenant:
  - 1. The E.R.T. Lieutenant will assume the role of "Field Force Commander" during times of Civil Unrest.
  - 2. The E.R.T. Lieutenant will also be the supervisor for utilization of the E.R.T. Unit for Disasters and Dignitary Protection, and any other scene security details.
  - 3. Coordinate training for the E.R.T. Unit.
    - a. Training for the E.R.T. Unit will be conducted monthly if schedules and manning levels allow.
    - b. Training will include Field Force Formations, Use of Less Lethal Munitions, Chemical Agent Deployment and Utilization, Dignitary Protection overview; Firearms transition training and Scene Security. The E.R.T. Unit will also be given formal training for other duties as assigned or deemed necessary during a Job Analysis.
  - 4. Ensure that the E.R.T. squads are properly equipped for each deployment.
  - 5. Ensure that Operations Orders and After Action reports are completed for each incident.
  - 6. Inspect and Inventory all issued E.R.T. equipment on a regular basis.
  - 7. The E.R.T. Lieutenant will be contacted for Utilization and Deployment of the E.R.T. The F.S.D. Division Commander or the Operations Bureau Chief will determine final authorization.
- E. In the absence of the E.R.T. Lieutenant, the E.R.T. Team will operate under the supervision of one of the E.R.T. Sergeants. The E.R.T. Sergeant will assume the duties of the Field Force Commander / Supervisor for other deployments in the Lieutenants absence.

E.R.T. Sergeants duties and responsibilities:

- 1. Supervise the squads during deployments.
- 2. Be responsible for having squads deploy Chemical Munitions and Less Lethal Munitions during periods of civil unrest in conjunction with necessary use of force and training.

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3. Help develop and coordinate training for the E.R.T. Unit.
  4. Assist with Operations Orders and After Action Reports.
  5. Conduct quarterly inspections of assigned equipment.
  6. Rotate "On Call" Status.
  7. Assume the duties of the E.R.T. Lieutenant in his or her absence.
- F. E.R.T. Team Members duties and responsibilities:
1. Be responsible for all issued equipment.
  2. Rotate "On Call" Status.
  3. Be available while on call to respond to any location within the County, within one hour.
  4. All personnel will be authorized to wear the "E.R.T." specialty patch on both Class "A" and Class "B" uniforms on the right shoulder as outlined for other specialty patches.

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### **328 SPECIAL WEAPONS AND TACTICS TEAM**

The Department shall maximize a successful end to a high-risk situation, with a minimum risk to Departmental sworn personnel and the public. The utilization of the Special Weapons and Tactics Team will address these situations with the appropriately trained and equipped personnel.

#### **DEFINITIONS:**

##### **CALL OUT**

The request made by a Division Commander for deployment of the Special Weapons and Tactics Team.

##### **S.W.A.T.**

Special Weapons and Tactics Team.

##### **T.O.C.**

Tactical Operations Center

##### **HOSTAGE**

Any person being held against their will or person(s) being utilized by a suspect as a tool for release or escape.

#### **RULES AND PROCEDURES:**

##### **328-1 USE OF S.W.A.T. TEAM**

- A. The S.W.A.T. team will be under the operation of the Field Services Division and at times may report directly to the Undersheriff. All operations involving a specified Division will be reported to the appropriate Division Commander by the S.W.A.T. Commander.
- B. The S.W.A.T. team will be deployed only upon the request of a Division Commander. Approval for deployment of S.W.A.T. will be made in conjunction with the S.W.A.T. Commander and the Sheriff or Undersheriff.
- C. Supervisors WILL utilize the S.W.A.T. team for the listed situations:
  1. When there is reason to believe the suspect is armed and will use weapons against law enforcement officers, or when the suspect's background reveals a propensity toward violence.
  2. Locations where neighborhood or patron sympathy could cause hostilities toward Deputies.
  3. Locations have been fortified against entry and/or they

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have wrought iron bars, multiple door locks, door fortification, high fences with locks, and additional types of barricades/ fortifications.

4. Locations that are believed to be drug manufacturing or large-scale distribution point.
5. Locations where there is a unlawful assembly or a civil disturbance that may pose a safety hazard to Deputies or the public.
6. Suspects that have a mental health condition, which may endanger Deputies or the public.
7. The S.W.A.T. team will utilize E.R.T. to assist in large scale warrants for scene security and exterior perimeter if the situation is too large for S.W.A.T. to handle with assigned resources.

**328-2 HOSTAGE SITUATIONS**

- A. The primary objective in hostage situations is to preserve the life of the hostage(s) and effect the arrest of the suspect with the minimum amount of danger to the citizens, Deputies, and the suspect.
- B. Every effort will be made to resolve a situation without the use of deadly force.
- C. Suspects will, when the situation dictates, be provided the opportunity to surrender.
- D. Deadly force will be used only when authorized by a command officer or in accordance with operational order guidelines.
- E. Should the individual personnel come under direct attack by the suspect, or the suspect attacks or attempts to attack the hostage with deadly force, it is not required that a sworn personnel wait for instructions to protect himself or the hostage.
- F. In every situation involving hostages, it will be the policy of this Department that the safety of the hostage(s) shall be of utmost concern. Every effort will be made to effect the safe release of the hostage(s). However, in any situation, the suspect shall not be allowed to escape with or without a hostage(s).
- G. In the instance of a Hostage situation, the E.R.T. Unit will be called for perimeter security and to aid in evacuations if necessary.
- H. A log will be kept of all activities while at the location of the operation, such as:



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1. Telephone communications.
  2. Homes that are evacuated.
  3. Homeowners who refuse to evacuate.
  4. Locations of homeowners for notification to return.
  5. Damage to property as a result of operation.
- I. A rescue unit and pumper truck will be requested and staged at the scene of a S.W.A.T. team operation.
  - J. Criminalistics will be dispatched to the location of a S.W.A.T. operation after the mission has been completed.

**328-3 RESPONDING DEPUTIES RESPONSIBILITIES**

- A. Deputies encountering a hostage situation will:
  1. Notify a supervisor, and the CommunicationsCenter.
  2. Request additional assistance.
  3. If possible, evacuate citizens and establish some type of a perimeter.
  4. If necessary, negotiate with the suspect(s).
- B. Deputies encountering a hostage situation will not:
  1. Take any unnecessary actions, and will stand-by until the arrival of a supervisor or the arrival of S.W.A.T.
  2. Exchange themselves for hostages, nor relinquish or surrender their weapon(s).

**328-4 SUPERVISORY RESPONSIBILITIES**

- A. Supervisors will request sufficient personnel to control and contain the location.
- B. Supervisors will establish and maintain a central location for arrival and staging of S.W.A.T. team personnel.
- C. Supervisors will maintain an outer perimeter utilizing uniformed Deputies.
- D. Supervisors will secure adequate radio channels for the increased radio communications.
- E. Obtain as much information as possible including, but not limited to:
  1. What has occurred up to the present time.

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2. Who notified Communications, who is involved, and a time line of occurrences.
3. The number and descriptions of all people involved.
4. History of suspect(s) and hostage(s).
5. Weapons, injuries, deaths, type and number.
6. Interview and identify witnesses, released hostage(s), neighbors, etc.
7. Obtain a hand drawn or reproduced floor plan of the incident location.
8. If S.W.A.T. is requested, the supervisor will coordinate with the S.W.A.T. Commander to determine the responsibility for the relinquishing of the location, back to the requesting Division or section.
9. The supervisor will resume control after being advised by the S.W.A.T. Commander that the location is secure.

**328-5 COMMUNICATIONS RESPONSIBILITIES**

- A. The Communications Section will notify the Field Services Division Commander and provide pertinent information on the circumstances surrounding the incident.
- B. Secure a radio frequency for the operation as requested by Field Services Division supervisor.
- C. Notify the S.W.A.T. team Commander, and in the absence of the S.W.A.T. Commander, the S.W.A.T. Sergeant will be notified.
- D. Notify the Sheriff or his designee.

**328-6 HIGH RISK WARRANT SERVICE**

- A. One of the conditions in the "USE OF S.W.A.T. TEAM" section must be met for the utilization of S.W.A.T.
- B. All non-uniformed personnel will utilize the Department issued "raid jacket" during the operation, for identification purposes.
- C. If possible, the Division requesting the use of S.W.A.T. to execute a warrant should attempt to advise the S.W.A.T. Commander twenty four (24) hours prior to the time the warrant is to be executed.

**328-7 S.W.A.T. COMMANDER RESPONSIBILITIES**

- A. The S.W.A.T. Commander will assume command upon his arrival at

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the incident location.

- B. The S.W.A.T. Commander will ensure that the Field Services supervisor has the responsibility of maintaining the outer perimeter and will remain on the scene for the duration of the incident reporting to him.
- C. The S.W.A.T. team will maintain an inner perimeter, and will be responsible for negotiations.
- D. Establish a T.O.C. if the situation warrants.
  - 1. The T.O.C. will be in a centralized location for the collection and dissemination of all information.
  - 2. The T.O.C. will also act as a central operations point for the Crisis Negotiations Team.
  - 3. The T.O.C. will be manned with C.I.D. personnel, if necessary, for the collection of intelligence necessary to the operation.
  - 4. The S.W.A.T. Commander will appoint a T.O.C. Commander if needed.
- E. The S.W.A.T. Commander will maintain a liaison with the Field Services Commander for the duration of the incident.

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### **329 TRAFFIC/D.W.I. UNIT**

The Department shall provide highly trained and specialized personnel to be responsible for the enforcement of traffic laws, the detection and apprehension of intoxicated or impaired drivers, the investigation of traffic accidents involving death or serious injuries, and the investigation of traffic accidents involving Sheriff's Department vehicles or personnel.

#### **RULES AND PROCEDURES:**

##### **329-1 DUTIES AND RESPONSIBILITIES**

A. The Traffic Accident Investigation Unit will be responsible for the investigation of traffic accidents involving fatalities, great bodily harm. The Traffic Investigations Unit will also be responsible for the investigation of any traffic crashes involving a Sheriff's Department vehicle, when any of the following conditions exist:

1. Any crash involving injury.
2. Any crash involving another moving vehicle. Crashes involving a parked vehicle will be evaluated on a case-by-case basis by the Traffic Investigation Unit Supervisor.
3. Any special circumstance where the on-duty supervisor feels that the investigation should require the assistance of the Traffic Investigation Unit (i.e. at fault is in question), TIU will respond and conduct the investigation.

Any other crash involving a Sheriff's Department Vehicle which does not fit any of the above conditions (i.e. hitting a curb or other fixed objects), shall have an on-duty supervisor respond to the scene and complete the following:

1. Evaluate the crash and determine if the Traffic Investigations Unit has to respond.
  2. If the Traffic Unit is not required, have the crash investigated by Field Deputies and ensure that a copy of the completed report is forwarded to the TIU Supervisor.
  3. The damage shall be photographed by an on-duty Field Investigator.
- B. The D.W.I. Unit will be responsible for the detection and apprehension of intoxicated/impaired drivers.
- C. Personnel assigned to the Traffic/D.W.I. Unit will assist assigned watch personnel in responding to daily calls for

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service when available.

- D. Unit personnel may be tasked with educational presentations and additional public safety related functions on a "as needed" basis

#### **FIELD SERVICES SUPERVISORY RESPONSIBILITIES**

##### **329-2**

- A. It is the responsibility of the on-duty supervisor to determine if the Traffic Unit is needed at the scene of an accident. The criteria utilized in this determination should be the seriousness/extent of the injuries to the subjects involved.
- B. The on-duty supervisor will notify the CommunicationsCenter to call out a Traffic Unit Deputy/Team.
- C. The on-scene supervisor will maintain a crime scene perimeter until the Traffic Unit has completed the investigation.
- D. The on-scene supervisor will assist the Traffic Unit in all reasonable requests for assistance to effect a comprehensive and timely investigation.
- E. The on-duty supervisor will be responsible to have all field services units that were involved with the accident investigation or arrived on scene to complete a Traffic Offense/Incident Supplemental Report.

#### **TRAFFIC ACCIDENT INVESTIGATIONS**

##### **329-3**

- A. All fatal and serious injury accident investigations will be completed in a timely manner.
- B. An initial report or face sheet will be completed prior to the Traffic Unit terminating the call-out.
- C. A fatal Teletype will be completed and forwarded through the CommunicationsCenter prior to terminating the call-out.
- D. If it is determined by the Traffic Unit that any involved party will be charged with a crime as a result of the accident, the Deputies will notify the on-call Assistant District Attorney.

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**330 K-9 UNIT**

The Department shall maintain a well-trained and organized K-9 Unit to assist regular Deputies in performing their duties, and to assist other specialized units of the Sheriff's Department as necessary.

**RULES AND PROCEDURES:**

**330-1 PERSONNEL**

- A. The Department may designate one or more sworn personnel as K-9 handlers as Department needs dictate. Those sworn personnel who are chosen for this specialized unit will be provided the appropriate training and facilities for use during their assignment, in addition to time and resources for the care and maintenance of their K-9's.
- B. The K-9 Unit will consist of one supervisor with an assigned K-9, and other Deputies and their K-9's as the Department deems necessary.
- C. The K-9 Unit supervisor will oversee the operations of the unit and will fall under the Field Services Division chain-of-command.
- D. Duties of the K-9 Unit supervisor:
  - 1. Determine shift assignments and duty hours of his personnel to ensure maximum support to the Department with minimum use of overtime.
  - 2. Supervision of K-9 Teams when on-duty and available.
  - 3. Coordinate training for each K-9 Team.
  - 4. Ensure that each K-9 Team meets and maintains the minimum standards set by state or Department regulations.
  - 5. Ensure that proper records are kept on K-9 training and medical needs.
  - 6. Inspect all issued K-9 equipment on a regular basis.
  - 7. Order food rations and required K-9 equipment.
  - 8. Coordinate K-9 medical care through the Department contract Veterinarian.
  - 9. Coordinate community demonstrations.
  - 10. Assist in the training of other agencies' K-9 Units upon approval of the Sheriff.

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11. Coordinate other agency requests for BCSD K-9 Unit assistance.
- E. In the absence of the K-9 Unit supervisor, the K-9 Team will operate under the supervision of the on-duty Watch Commander or Shift Supervisor of the area in which they are working. If assigned to a special assignment, the K-9 Team will operate under the supervision of the supervisor requesting the assistance.
- F. The individual K-9 handler may authorize the use of his assigned K-9 for the apprehension of a suspect(s). It is the responsibility of each handler to explain their K-9's limitations, abilities and requirements to all Law Enforcement personnel requesting their assistance.
- G. In circumstances where the use of a K-9 Team is refused and the on-scene supervisor does not agree, the K-9 Supervisor will be called.

**330-2 K-9 DEPLOYMENT/CRITERIA**

- A. General Areas of deployment:
  1. Building searches
  2. Open area searches
  3. Evidence search
  4. Tracking
  5. Narcotics detection
  6. Back-up for violent or in-progress calls
  7. Protection of personnel in unknown and/or potentially hostile situations
  8. Assist in S.W.A.T. deployments as requested
  9. Crowd control
  10. Pursuit or searches for suspects evading or eluding law enforcement's efforts to apprehend them. Consideration should be given to the severity of the crime and the risk to the public or pursuing deputies by the suspect.
  11. In any situation where known violent and/or armed suspect may be in the area or where there is forced entry to a business with a high probability of offenders inside, the on-duty supervisor must consider the use of a K-9 Unit.
  12. As determined by any supervisor in any emergency situation.

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13. A K-9 Team may be called in any situation where a Deputy can articulate a reasonable suspicion concerning the presence of narcotics.
- B. When on-duty, K-9 Teams respond to in-progress calls and potentially violent situations within their assigned patrol areas, they will advise dispatch that they are responding.
  - C. As a general rule, K-9 Teams should not be assigned as a primary unit on report calls unless authorized/requested by the Watch Commander.
  - D. K-9 Teams will not transport prisoners due to lack of proper space in which to place the prisoner and potential injury from the K-9.
  - E. Tactical use and application of the K-9 Team shall be at the discretion of the handler, using their assigned K-9 when feasible.
  - F. In the case of civil disturbances, labor disputes or other types of crowd control duties, the K-9 Unit will not be deployed without permission of the Field Services Division Commander.
  - G. Searches for lost persons will be subject to the approval of the K-9 Supervisor or on-duty Watch Commander.
  - H. An evaluation for the need of a K-9 Team will be made by the initial responding Deputy and/or Watch Supervisor. If a K-9 Team is called, it will be the responsibility of the initial Deputy to establish a perimeter of the crime scene area and protect the scene unless precluded by the need for medical assistance, immediate apprehension or other exigent circumstances.
  - I. When a K-9 Team attempts to track a suspect, Department personnel may be assigned as back-up to provide cover for the team as well as to take charge of the suspect when located. This assignment will be at the discretion and direction of the handler.
  - J. Prior to initiating a building search, the K-9 handler will issue a verbal warning, if practical. The warning will identify the handler as a Sheriff's Department K-9 Unit, who will explain what actions are desired by the suspect (i.e. come out with hands up) and state possible consequences for non-compliance (i.e. a trained police dog will be released.). If, after a reasonable amount of time, the suspect has not responded, the K-9 may be released into the building.
  - K. Prior to the initiation of a building or area search, the handler will determine the need for and brief any Law Enforcement personnel that will enter the searched area with

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him.

- L. For pursuit and apprehension of fleeing suspects, make use of the K-9's speed to overtake the suspect. K-9 pursuits and apprehensions shall be made at the handlers' discretion.
- M. Searches may be conducted on or off lead at the discretion of and within the immediate vicinity of the handler. The handler must be able to maintain control of his K-9 while off lead.
- N. If someone is injured due to a K-9 Deployment, the following procedures will be followed:
  - 1. The injured person will be afforded medical treatment as soon as possible.
  - 2. The on-duty Watch Commander will be notified and an entry will be made in the morning report. The K-9 Supervisor will be contacted by the handler whose K-9 injured the person.
  - 3. The K-9 will be taken to the Department veterinarian ten (10) days after the incident.
  - 4. A written report will be submitted to records prior to the end of the duty shift.
  - 5. Photographs will be taken of the injuries after they have been cleaned and attended to by medical personnel. A K-9 unit F.I. will take the photos. In the event a K-9 unit F.I. is not available a Department F.I. will be used.

**330-3 DEPUTY CONDUCT**

- A. Department sworn or non-sworn personnel will not tease or harass any K-9 unless asked to do so in a training environment.
- B. Personnel will not pet or attempt to pet a Department K-9 without permission of the handler.
- C. Department personnel will follow directions of the handler when working in the close proximity of the K-9.
- D. Unauthorized exhibitions of apprehension procedures will not be conducted by a K-9 Team sworn personnel.

**330-4 TRAINING**

- A. All K-9 Unit personnel will be required to complete a minimum of 240 hours of training with their K-9 prior to being placed into service as a K-9 Team.
- B. All K-9 Unit personnel will be required to attend regularly scheduled training days as well as conducting routine

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maintenance training with their assigned K-9. Training will be conducted during on-duty time.

- C. K-9 handlers will maintain monthly training and utilization reports.
- D. K-9 Unit training and utilization reports will not be removed from the unit offices. Copies of these records will not be made without the permission of the K-9 Supervisor. These records are the property of the BCSD.

**330-5 RIDE-ALONG PROGRAM (K-9 UNIT)**

- A. K-9 Unit personnel may participate in the Department Ride-Along Program.
- B. Handlers will brief all ride-along on safety procedures involving the K-9.

**330-6 K-9 UNIT UNIFORMS AND EQUIPMENT**

- A. The optional duty shirt will be the BDU type with long or short sleeves. There will be no bottom cargo pockets. The shirt will have a BCSD shoulder patch on the left sleeve and a BCSD K-9 patch on the right sleeve. Either a metal or cloth badge will be worn above the left breast pocket. The shirt will be tucked into trousers.
- B. The optional uniform pant will be the BDU type. Pant legs will not be bloused.
- C. An optional K-9 Unit Polo Shirt authorized by the Sheriff may be worn to community functions in addition to training. The Field Services Division Commander may authorize the Polo shirt to be worn at other activities.
- D. A white or optional black T-shirt or turtleneck will be worn at all times.
- E. If the Handler and the K-9 are off duty and receive notice requiring them to respond, they may wear the Department coat over appropriate civilian attire.
- F. K-9 Unit personnel have the option to wear a nylon type duty belt and associated gear while wearing the BDU type uniform. This must be approved by the Sheriff.

**330-7 SECURITY PROVISIONS FOR CONTROLLED SUBSTANCE TRAINING AIDES**

- A. Long Term Storage
  - 1. Safe
    - a. Located in the K-9 Office or,

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b. Secure access area.

B. Short Term Storage

1. Ammo Boxes

a. Locks will be placed on ammo boxes for secure transport and storage for use in training.

**330-8 RECORD KEEPING**

A. Receipt of controlled substances by K-9 Unit.

1. Initial inventory by K-9 Unit Supervisor from authorized source.

a. Division Commander will authorize sources.

b. To be recorded on controlled substance inventory sheet by K-9 Unit Supervisor and witnessed by one other K-9 Unit member.

c. Documents relating to the acquisition of training aids will be maintained by the K-9 Unit Supervisor.

2. Inventory will be done bi-annually by K-9 Unit Supervisor and Lieutenant.

**330-9 CHECK-OUT OF CONTROLLED SUBSTANCES FOR TRAINING**

A. Controlled substances may be checked out by the K-9 Unit Supervisor to members of the K-9 Unit, for the purpose of detector K-9 training.

B. Controlled substances will be weighed at check-out and check-in. Weighing will be done by the K-9 Unit Supervisor and witnessed by the Deputy returning the training aids.

C. The K-9 Unit Supervisor will check the controlled substances out, via a sign out form.

D. Individual members are responsible for the security of the controlled substances that are checked out to them.

E. Substances will be kept in lockable ammo boxes.

**330-10 EXPLOSIVE DETECTION AIDES**

A. Explosives detection aides for K-9 training will be obtained through a recognized vendor. Once the training aide has aged past reliability, it will be transferred to the Albuquerque Police Department EOD unit for disposal.

B. The K-9 Supervisor will secure training items in a locked safe.

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## **11 LOSS REPORTING**

- A. Due to the nature of K-9 training, the potential of loss due to damage exists. In the event that such an occurrence arises, it will be recorded on the check-out forms and a memo will be completed detailing the facts of the loss. This memo will be included with the inventory.
- B. Losses will be reviewed by the K-9 Unit Supervisor and Lieutenant. Memos will be maintained by the K-9 Unit Supervisor.

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## **ROTATION OF TRAINING AIDS**

- A. To minimize contamination by handling, controlled substances will be removed from inventory after (1) one year or when necessary.
- B. Removal/Destruction will be in accordance with the original source's policy and will be noted on the inventory sheet.
- C. Documentation relating to the return or destruction of controlled substance training aids will be maintained by the K-9 Unit Supervisor.

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## **12 EQUIPMENT**

- A. Each K-9 Team consists of a dog and handler whom is outfitted with the basic equipment as required based on the dogs specialty. Some departmental canines are considered single purpose or dual-purpose based on their training, certification, and abilities. These abilities include: apprehension, cadaver, Explosive (EOD), narcotics, etc.
- B. Based on the unique K-9 abilities and varying deployment situations each team may require different equipment. However, Canine handlers will be issued necessary equipment to perform their duties as deemed appropriate by the K-9 unit supervisor. Equipment may consist of, but is not limited to:
  - 1. Leather leash
  - 2. Nylon harness
  - 3. Tracking leads
  - 4. Standard tracking harness
  - 5. 2" heavy duty agitation collar
  - 6. H.D. prong collar
  - 7. H.D. muzzle
  - 8. 5'leash (H.D.)



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9. 25' nylon tracking lead

10. Training sleeve w/bite bar

- C. Each of canine unit patrol vehicle is equipped with special aluminum insert that is molded to accommodate and protect both the dog and the vehicle from being harmed. There are steel screens on the windows to prevent an unknowing citizen from being bitten or from harming the dogs.

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### **331 CIVIL PROCESS**

The Sheriff's Department is mandated by law with the service of legal process in support of the judicial function. This includes the service of all civil and criminal process either received from the courts, or from individuals whose legal interests are affected by the courts decisions.

#### **DEFINITIONS:**

##### **ALIAS**

This term may appear on both Summons and Writ of Executions. This indicates that the document has been submitted for service for the second time.

##### **PLURIES**

Same as above except it indicates that the document is being served a third or more times.

##### **NULLA BONA**

No goods and/or chattels to levy on. This usually occurs due to the exemption status that each person (defendant) is allowed as defined by State Statutes. The Deputies must make contact and view the goods and/or chattels in possession prior to a determination of returning the Writ Nulla Bona.

##### **PERSONAL SERVICE**

The document has to be served on the person named or an individual that has been authorized to accept service for the defendant or person named. The Deputy must verify the authorization.

##### **POSTING**

The document has to be taped to the most public part of the premises, or the most visible portion of the premises i.e.; the front door of premises.

##### **RESIDENT OF ADDRESS**

This has to be a permanent resident of the dwelling who is also 15 years of age or older. This must also be verified by the Deputy.

##### **PROSE**

This indicates that the plaintiff (the person who is initiating the action) is not being represented in the matter at hand by an attorney.

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**M.I.**

Mentally Incompetent Individual.

**A.L.C.**

Alcohol or Alcoholic Pick-Up Order.

**LEVY**

Indicates that the Deputies have, in fact, seized specific property pursuant to the Court Order.

**ATTEMPTS/COMMENTS**

This section is for notes that the Deputy records in reference to the investigation as ordered by the court. These notes will be specific and in detail with particular attention given to dates, locations and times when the Deputy has made, or attempted to make, contact with the parties named in the order.

**D.V.O.**

Domestic Violence Order

**PLAINTIFF/PETITIONER**

Party initiating the action/complaint.

**DEFENDANT/RESPONDENT**

Party named in action/complaint who must reply to the charges or complaint against them.

**RULES AND PROCEDURES:**

**331-1 CIVIL PROCESS SECTION:**

- A. The purpose of civil process is to promptly serve and make timely return of all legal process received. At times this may include legal process received from neighboring jurisdictions.
- B. If this agency receives civil process which requires service in another jurisdiction, the individual presenting the process will be informed of the need for them to take the process to the appropriate law enforcement agency in that jurisdiction.

**331-2 PROPERTY SEIZURE**

- A. All writs which require the seizure of real or personal property must be executed by a sworn law enforcement officer.

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- B. Two law enforcement officers will be assigned in the execution of any writ which may involve potential resistance.
- C. All property acquired through the civil process function will be properly accounted for in agency records.
- D. All property and monies collected will be disposed of by the agency pursuant to legal authority.
- E. Any property collected as a result of an execution or other lawful court order, will be secured in a Department warehouse or other facility which is controlled by the Sheriff's Department.

**331-3 GENERAL DUTIES RESPONSIBILITIES AND SUPERVISION**

- A. Sworn personnel assigned to this section shall serve the civil process and court generated documents described in this Standard Operating Procedures Manual.
- B. Supervisors duties and responsibilities will include, but are not limited to, sections described herein and all applicable definitions and responsibilities as stated in the Departmental S.O.P.
- C. Service of any civil process, where any State Agency is named as the Defendant, must be served on the Head of the Agency in addition to the Attorney General's Office in Santa Fe New Mexico. The court document will not be accepted by this Division for service. The individual will be instructed to deliver the document to the Sheriff of Santa Fe County for service, see District Court Rule 1-004(F) 3D; Magistrate Rule 2-202 C6; and Metropolitan Court Rule 3-202-D(3).
- D. Deputies will not involve themselves and/or the Department with repossessors and/or their agents unless specifically upon direction and authority by a court of record within this jurisdiction. Deputies will not make a determination as to lawful ownership of goods and/or chattels and cause or cause to be, the goods or chattels to be repossessed absent orders by the court. It will be the duty of the Deputy to instruct the parties involved to seek direction through the courts.
- E. If the repossessing agent has documents either issued or filed with the court, that individual must present those documents to the Judicial Operations Division before any determination or action is to be taken by the Deputy. Deputies shall keep their supervisor(s) apprised for the purposes of review and direction in this regard.
- F. Assigned personnel will not counsel, instruct, advise and/or supply any documentation or communication to other law enforcement agencies, or representatives with regard to the service of Civil Process as set forth in this Standard Operating Procedures Manual.

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**331-4 SUMMONS AND COMPLAINT**

A Summons is a notice from the court (Metropolitan or District) of a civil action. Attached to the Summons is a copy of the complaint filed. The Summons requires a response to the court within the stipulated time period. The time period begins from the date of service of the Summons. Service can be effected through personal service, posting, service of a permanent resident who is 15 years of age or older at the residence, or an authorized agent who can accept service for the defendant. There are many different types of Summons, the general rule for service, however, would be as previously described unless there are special instructions from the issuing court. Failure to answer a Summons will result in a default judgment against the defendant.

**331-5 SUMMONS FOR NOTICE OF TRIAL ON PETITION FOR WRIT OF RESTITUTION (EVICTION)**

- A. A notice to the tenant that they have not complied with the rental agreement, and they must appear at a court hearing regarding the disposition of the matter. Prior to the issuance of the Summons for Notice of Trial on the Writ of Restitution, the landlord must comply with the following requirements:
1. Landlord must post a 3-day eviction notice which is a notice the landlord serves on the tenant to inform him that he is behind in rent payments. The landlord can deliver it to the tenant personally or post it. This notice gives the tenant a specific time to vacate the premises. These notices can be served by Deputies but private process will suffice.
  2. After (3) days have elapsed, if the tenant(s) have not vacated, the landlord files a Summons for Trial of Restitution in Metropolitan Court, and brings it to the Sheriff's Office.
  3. Deputy then posts, or serves, the Summons for Notice of Trial of Restitution. This informs them of a specific court date. The Notice for Trial of Restitution must be posted or served no less than seven (7) calendar days prior to the trial or hearing date. It will be the responsibility of the assigned Deputy to ensure that the dates are adhered to.
  4. After the court hearing has taken place, a judgment will be issued and a "Writ of Execution and Writ of Restitution" is issued by the Judge with a specific date when the actual physical eviction is to take place.

**331-6 WRIT OF RESTITUTION (EVICTION)**

- A. A removal of tenants from rental property by court order.

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- B. The actual physical eviction can only be effected by sworn law enforcement officers.
- C. Once the Deputies arrive and service the Restitution, the tenants are evicted from the property. The Deputies may allow them 10 to 15 minutes to gather essential items. Following that, they must vacate the premises. Once the tenants are gone the landlord must do the following:
  - 1. Landlord must change locks on the premises to ensure security of the property once the Deputies have left. The landlord should change the locks while the Deputies are present.
  - 2. The landlord must inventory property left behind by the tenants.
  - 3. Following the eviction, the landlord should have someone available during normal business hours to allow the ex-tenant to enter the premises or other storage facility to remove their personal property in one trip. Landlords do not furnish the new key to the ex-tenant(s).
  - 4. If the ex-tenant does not contact the landlord to remove his possessions, the following guidelines must be followed by the landlord concerning disposal of the property:
    - a. If the tenant abandons the property the landlord must store all the personal property left on the premises for not less than 30 days.
    - b. If the tenant voluntarily surrenders the premises, the landlord must store all the personal property for a minimum of 14 days following the surrender of the premises.
    - c. If the tenant is evicted by a writ of restitution, the landlord is not obligated to store the property left by the tenant for more than 3 days, (unless other arrangements have been made between them).
- D. In all the above instances, the landlord must abide by the Uniform Owner-Resident Relations Act, which describes the proper procedures to be used to inform tenants of the landlords intent to dispose of the property.
- E. If the ex-tenant forcibly enters the premises following the eviction, the incident may be considered a criminal act and the proper law enforcement agency should be contacted by the landlord.



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**331-7 EVICTIONS/MOBILE HOMES**

- A. These are similar to the previous evictions. However, in many of these cases the mobile home is owned by the tenant, but they have fallen behind in payment on the trailer space.
- B. Every available effort will be made to locate the owner(s)/ resident(s) of the mobile home for the purpose of intent to file, or not to file (claim) a Homestead Exemption, as provided on Civil Form 4-803.
- C. When the Writ of Restitution is obtained for the mobile home, the presiding judge will direct the landlord to serve the notice of judgment to the mobile home owner.
- D. The notice of judgment shall state that at a specified time, not less than 48 hours from entry of judgment, the Sheriff will return to serve a Writ of Restitution and superintend the peaceful and orderly removal of the mobile home under that order of court. The notice of judgment shall also advise the mobile home owner to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires and otherwise making the mobile home safe and ready for the highway travel.
- E. Should the mobile home owner fail to have the mobile home safe and ready for physical removal from the premises or should inclement weather or other unforeseen problems occur at the time specified in the notice of judgment, the landlord and the Sheriff may by written agreement extend the time for the execution of the Writ of Restitution to allow time for the landlord to arrange to have the necessary work done or to permit the Sheriff's execution of the Writ of Restitution at the time when weather or other conditions will make removal less hazardous to the mobile home.
- F. If the mobile home is not removed from the landlord's land on behalf of the mobile home owner within the time permitted by the Writ of Restitution, the landlord and the Sheriff shall have the right to take possession of mobile home for the purposes of removal and storage. Processing in this case will proceed normally, as in the service of any Writ of Restitution.
- G. If the mobile home owner is present, they will be served with the Writ and evicted from the home. The landlord must change locks on the home while the Deputies are present.
- H. If the mobile home owner is not present when the Writ is served, the Deputies will again proceed as in a normal eviction. The notice will be posted and the locks will be changed. At this point the landlord must, while Deputies are present, complete an inventory of the mobile home contents. In either instance, if the landlord is prepared and has made the proper arrangements to move the mobile home, they may move

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the mobile home to a storage facility.

- I. The liability of the landlord and the Sheriff in such event shall be limited to gross negligence or willful and wanton disregard of the property rights of the mobile home owner. The responsibility to prevent freezing and to prevent wind and weather damage to the mobile home lies exclusively with those persons who have property interest in the mobile home.
- J. Utility charges, rents and reasonable removal and storage charges may be paid by any party in interest. Those charges shall constitute a lien which will run with the mobile home and whoever ultimately claims the mobile home will owe that sum to the person who paid it.
- K. Prior to the issuance of said Writ of Restitution, the court shall make a finding of fact based upon evidence or statements of counsel that there is or is not a security agreement on the mobile home being subjected to the Writ of Restitution. A written statement on the mobile home owner's application for tenancy with the landlord that there is no security agreement on the mobile home shall be Prima Facie evidence of the nonexistence of such security agreement.
- L. In those cases where the court finds there is a security agreement on the mobile home subject to the Writ of Restitution and where the holder of the security agreement can be identified with reasonable certainty, then upon receipt of the Writ of Restitution, the plaintiff shall promptly inform the holder of such security agreement as to the location of the mobile home, the name of the landlord who obtained the Writ of Restitution and the time when the mobile home will be subject to removal by the Sheriff and the landlord.
- M. The Writ of Execution/Restitution will not be closed out/completed until every effort is made to locate the owner/resident.
- N. At all stages of the investigation, personnel will completely document all of the information received on the work sheet as well as on the Sheriff's Return of Service. Personnel will keep their immediate supervisor(s) informed of all stages of the investigation.

**331-8 WRIT OF REPLEVIN**

- A. A Writ of Replevin is a court order to repossess goods or chattels that the Defendant wrongfully detains from the Plaintiff.
- B. In order for the Replevin to be valid, a hearing must have been held or be pending. A bond must have been posted double the value of the property to be repossessed. A bond is required unless otherwise ordered by the court. If the Writ of

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Replevin is a FINAL JUDGMENT from the issuing court, no bond and/or waiver is required.

- C. When large or multiple items are involved, the Deputies will contact Plaintiff and/or their attorney to take custody of the items when located. This is, in all actuality, a request. State Statutes direct the Sheriff to seize and take responsibility for property seized pursuant to court orders.
- D. On Replevins involving vehicles, a tow sheet, with an inventory, will be filled out when the Plaintiff cannot be reached or the attorney cannot be reached.
- E. A minimum of two Deputies will work a Replevin.
- F. An Execution and Replevin is a judgment with the repossession, and this document requires no bond.
- G. When a mobile home is the subject of a Writ of Replevin, the plaintiff should be contacted and notified of the time the Replevin is to be executed. Their representative should make arrangements to be present at the time of execution to do an inspection and take possession of the property.
- H. All property removed or disbursed to the various parties named in the writ must be recorded on a Divisional inventory form. Details should be included on who took possession of the property.
- I. Normally only those persons who are named in the Writ should be allowed access to the home/property.
- J. Prior to any property being removed, a video recording of the property/home should be made. These videos will be stored in an appropriate location, where they will be accessible in case of future litigation.

**331-9 WRIT OF EXECUTION**

- A. An order from a court ordering the Sheriff to collect money or levy (confiscate) on property to satisfy a judgment. Metropolitan court Writs are for amounts of \$7,000 or less. District Court judgments and subsequent Writs of Execution are for amounts over \$7,000.
- B. The Writ can be served to the person named or someone authorized to accept the court document.
- C. The Writ orders the Sheriff, or a full time Deputy Sheriff to levy on the personal property of the defendant. This is on Metropolitan Court judgments. The District Court judgment reads: "The Sheriff is commanded to levy upon the goods, chattels, lands, and effects of the defendant."
- D. The difference between Metropolitan and District Writs is that

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the Metropolitan Writ orders the Deputy to levy on the personal property of the defendant. District Writs order the Deputy to levy not only on the personal property, but also land can be levied against. Each judgment debtor is allowed certain exemptions. Incorporated Businesses are not allowed exemptions however, there are certain items that cannot be levied against. A business such as a car dealer, or any business that has a large inventory of sale items, usually falls under the Uniform Business Code. The inventory is under lien to the manufacturer, and does not belong to the business. Vehicles on consignment would also be exempt.

- E. If the judgment names the business but the business is incorporated, the judgment would have to also name the business as a corporation to be valid.
- F. When a judgment is obtained from the court, the plaintiff will get a transcript of judgment and file it with the county clerk. If any "real" property (lands, home) of the defendant are sold, the judgment will be paid. If the Deputy receives a Writ of Execution and finds the house is for sale, he will obtain the information concerning the realty company and then return the document to the plaintiff.
- G. Prior to the service of a Writ of Execution a Deputy should be assured the judgment debtor was served a Notice of Right to Claim Exemptions (Execution), Civil Form 4-808A, and three copies of Claim of Exemptions on Executions, Civil Form 4-803, with the understanding the debtor had ten days to file listed exemptions with the court file for a hearing on the exemptions.
- H. When the Deputy serves a Writ of Execution, the defendant may say they have filed bankruptcy. If this is the case, the Deputy will obtain the bankruptcy case number from either the defendant, his attorney, or the Bankruptcy Court. This may also be the case with an Internal Revenue Service or State Tax lien. In the case of an IRS or tax lien, the defendant has to provide the documentation to prove the lien exists. Banks may have liens against the inventory, accounts receivable, and fixtures of the business. Again, documentation would have to be provided by the defendant to stop or stay the Execution. The bankruptcy number must be affixed to the work sheet and the Return of Service.
- I. Another way to stop the Writ of Execution is to appeal. The defendant has fifteen days after the entry of the judgment to file an appeal. The appeal is filed with the Metropolitan Court. The Metropolitan Court Clerk will docket the appeal with the District Court. The action that stays the Execution is the filing of a Supersedes Bond with the Clerk of the Metropolitan Court. The appeal process for a District Court judgment would be the same. The judge may waive the bond in either case if so desired, however, documentation from the court must accompany the Writ.

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**331-10 WRIT OF GARNISHMENT**

- A. A writ served on an employer which requires them to reply to the court regarding the status of a person who may be employed by them. If the person is employed there, the employer will be required to withhold a portion of the person's wages to satisfy a judgment.
- B. A garnishment must be served to an executive officer, payroll officer, or someone authorized to accept service for the employer.
- C. A Writ of Garnishment, is in effect, a summons for the employer. It must be answered even when the defendant named is not known or is no longer an employee.
- D. The person being garnished can be served the Writ of Garnishment. Example: if the garnishee is the boss.
- E. Failure of the employer to reply within the stipulated time limit will result in the court issuing a Writ of Execution against them for the full amount of the original judgment.

**331-11 WRIT OF ATTACHMENT**

A Writ of Attachment is an order commanding the Sheriff to seize from the defendant his/her lands, tenements, goods, monies, effects, credits, and all other interests in specific property, this is to hold the property until a decision is made by the court. The Writ of Attachment prevents the defendant from disposing of the property until a hearing can be held. These Writs will be personal service only.

**331-12 SUBPOENAS**

An order from the court that requires a person to appear for a specific matter at a definite time and place.

**331-13 SUBPOENA DUCES TECUM**

- A. A Subpoena which directs the person to appear, as well as bring records, papers, and other documents which relate to the matter at hand.
- B. Subpoenas must be personal service only. An attorney can accept service for his client.
- C. An agent authorized to accept service may be designated in some cases. For example, doctors may designate their secretaries to accept service for them. Another example would be the Office of Medical Examiner/Investigators. The secretary accepts service for all medical investigators. The Deputy must print the authorized individuals name and title

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accepting service for the recipient on the work sheet and the Return of Service.

- D. There are subpoenas, specifically those from the State Labor Commissioner, that must be served at least ten days prior to the court appearance date.

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**14 RECIPROCAL SUBPOENA AND MOTION FOR CHILD SUPPORT**

This is a subpoena from another state to an individual for a hearing on child support. It is a subpoena and should be personally served.

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**15 WRIT OF ASSISTANCE**

- A. A court issued writ which orders the Sheriff's Department to take a specific action on behalf of the plaintiff. These orders normally involve the restoration of premises to the plaintiff, and allow the Sheriff's Department to take whatever action necessary to obtain entry into the property in question.

- B. In the event of an eviction a written inventory of the property will be taken.

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**16 WRIT OF EXECUTION AND FORCIBLE ENTRY AND DETAINER**

Similar to the Writ of Assistance, it orders the Sheriff to restore property to the plaintiff, and gives the Sheriff authority to enter premises to execute the order. Procedures as stated above for writs of assistance, will be followed if any property is affected by the writ.

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**17 CHILD PICK-UP ORDER**

A court order which specifically directs the Sheriff's Department to take custody of a child, and either restore them to the petitioning parent, or bring them before a judge for a hearing.

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**18 OUT OF STATE CHILD PICK-UP ORDERS**

Court orders for child pickup orders from other states must be adopted by our Local Courts before we may enforce them. Before these orders are brought to us for action, the petitioner must obtain a Court order from our Local Courts which authorizes us to take action for the petitioner in BernalilloCounty.

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**19 ALCOHOLIC AND MENTAL PICK-UP ORDERS**

- A. These orders come from the District Attorney's Office. They are all signed by a District Court judge, and direct the Sheriff to pick up the named subject and transport them to a designated facility.

- B. Two Deputies will pick up the alcoholic or mentally ill

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individual and transport him/her to the designated facility. Both Deputies will remain at the facility for the required amount of time as stipulated in the order. However, if the subject is violent and causing difficulties, the Deputies will render assistance as long as necessary. The subject, when being transported, will be handcuffed and seat belted in the proper position in the patrol vehicle.

- C. Not all orders require the Deputies to remain at the facility for a stated period of time. In some instances, the subject is taken to a secure area and the Deputies are free to leave.
- D. The preceding guidelines are intended to be only guidelines. Situations which require two Deputies should always be strictly adhered to for the safety and welfare of the Deputies and those of the defendants/subjects. The guidelines which state who should be served should also be closely followed.
- E. Each situation should be handled on an individual basis. The guidelines are not a substitute for State Statutes and will change if the Statutes change.
- F. Assigned Deputies will check the below listed resources and data banks for each proposed client prior to service of the order:

- 1. APD I.D.
- 2. APD Records
- 3. N.C.I.C.
- 4. BCSD and APD CAD Data Banks
- 5. CIT

Hopefully, this data will provide the Deputies with greater knowledge of the client and therefore enhance officer safety principles.

- G. Deputies will not permit family members, petitioner(s) or other citizens to enter any residence of a proposed patient/client for the purposes of effecting an Order.

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**20 EMERGENCY MENTAL HEALTH EVALUATION**

- A. A document which authorizes a law enforcement officer to pick-up a person for an emergency mental health evaluation. The document will specify the facility where the person must be taken.
- B. This pick-up Order is valid for (72) hours from the date and time the physician initiates the order.
  - 1. The date and time of origin must appear on the face of the

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order.

- C. The order must be signed by a physician/psychologist.
- D. The Deputy and/or supervisor must verify the authenticity of the order. This can be accomplished by speaking with the doctor or a staff representative with regard to the client and pick-up order.
- E. The Bernalillo County Sheriff's Department will not transport clients/patients from one medical facility to another on this order.
- F. Deputies will transport patients to the stated medical facility and turn the patient over to the medical staff. Deputies are under no obligation to stand by with the patient at the facility until the evaluation is completed. Deputies will not transport the patient to any other location if the facility does not accept or admit the patient.
- G. It is the ordering doctor's responsibility to ensure that the named medical facility has available bed space for the patient.
- H. Personnel will not accept an Evaluation Order if the doctor has not signed the Order and/or if the date of origin of the order is missing or is expired. Additionally the client's name, D.O.B., and/or SSAN must appear on the Evaluation Order.
- I. If any Order is ambiguous and/or incomplete, supervisory personnel will be immediately notified.
- J. These Orders are valid only within BernalilloCounty.
- K. Assigned Deputies will check the below listed Data Banks for each proposed client/patient prior to service of the Order:
  - 1. N.C.I.C.
  - 2. BCSO and APD CAD Data Banks
  - 3. BCSO and APD CIT
- L. Deputies will not permit family members, Petitioner(s) or other citizens to enter any residence of a proposed patient/client for the purpose of effecting an Order.

331-

**21 ORDER SEALING THE PREMISES**

- A. This type of order originated with the State Taxation and Revenue Office. The business being served would owe back taxes. The Deputies duties, in this instance, would be to accompany the State Taxation and Revenue Officers to the place of business.



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- B. The order is served to the owner and the business is closed. Everyone is sent home and a copy of the order is posted on the front door of the business. At this point, the State Officers take charge of the premises and the locks are changed.

331-

**22 WARRANT OF LIEN OR LEVY**

- A. A warrant which originates at the State Taxation and Revenue Office and is filed with the County Clerk. This authorizes the state to levy on a delinquent taxpayer's property, and requires the assistance of the Sheriff.

- 1. The authority to Levy on delinquent taxpayer's property is that of the director of taxation (and does not need a Judge's signature) per NNSA 7-1-31 (1990 Replacement)

331-

**23 DOMESTIC VIOLENCE RESTRAINING ORDER**

- A. An order directing the respondent to stay away from the petitioner pending the outcome of a court hearing regarding an incident of domestic violence.

- 1. These orders are signed by either an appointed Special Commissioner or a District Court Judge. These orders are explicit and instruct/order the Deputy what his duties will be in each specific case.

- B. In some instances these orders will require the Deputies serving them to evict the respondent (defendant) from the home where the petitioner lives. In that event these orders should always be served by two Deputies.

- C. Remember that these are court orders, and should be carried out exactly as specified in the order. At times the petitioner, or plaintiff, may request that some portion of the order not be carried out. Deputies must enforce ALL of the provisions in the order, regardless of the wishes of the plaintiff/petitioner.

- D. These orders require personal service, and the serving

Deputies should make sure that the respondent understands the order, and is aware of the hearing date.

331-

**24 VIDEO TAPING CIVIL PROCEDURES**

- A. Normally all Writs of **Replevin** Assistance will be videotaped, however, the taping of the execution of other writs will be at the discretion of the Section supervisor, or the Division Commander.

- B. Before starting taping, the date and time will be set internally so that it will be recorded as the tape is made. The tape should begin with a recording of the front of the business/residence which would indicate the address. At the

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same time the Deputy making the tape should audibly announce the date, time, address, and case number, so that it will be recorded on the video tape. This will also be done at the conclusion of the tape, prior to completing the taping.

- C. Video **recording** will be submitted in a timely manner, and will be appropriately marked with the date, time and civil case number.
- D. The video camera and **recordings** will be stored in the **Judicial Operations** Division office.
- E. Duplication of the video **recordings** may be made at the discretion of the Division Commander, pursuant to a lawful court order, or in compliance with a defendant's motion for discovery.
- F. Video **recordings** may be duplicated for internal use only upon the approval of the Division Commander or higher authority.
- G. Video recordings will be stored in a secure location within the Judicial Operations Division.
- H. Deputies who use the video camera will test the camera prior to beginning the actual taping. Any malfunction will be immediately reported. It will be the responsibility of supervisory personnel to investigate the cause of the malfunction, and to take any steps necessary to rectify the problem. Requests for repair or parts must be carried out through the normal procedures for obtaining purchase orders.
- I. Video tapes of the service of writs will be stored for a period of two (2) years, or until the possibility of litigation no longer exists for the particular incident.

Effective date: May 22, 2012

Effective date: May 22, 2012

Effective date: February 03, 2005

### **332 CHILD CUSTODY ORDERS**

The Department shall promptly enforce all Child Custody Orders received from a court of competent authority.

#### **DEFINITIONS:**

##### **CHILD CUSTODY ORDER**

A Child Custody Order is an order which specifically directs the Sheriff's Department to take custody of a child, and either restore them to the petitioning parent, or bring them before a judge for a hearing. These orders specify the exact action that a Law Enforcement Officer must follow, and will identify all the involved parties. Deputies will ensure that they follow explicitly the instructions detailed in the court order.

These orders must be examined carefully prior to any action being taken. If the orders are from neighboring states, the petitioning parent must take them to our State Court for adoption before any action may be taken.

#### **RULES AND PROCEDURES:**

##### **332-1 CHILD CUSTODY ORDERS/SERVICE**

- A. Notification to the Division Commander that a Child Custody Order has been received for execution. Child pick-up orders will be executed only upon authorization of the Division Commander.
- B. Notification to CYFD that a court order to pick up the child has been received and that there is no active CYFD or law enforcement investigation regarding the child. Every effort will be made to become knowledgeable in regards to the facts and circumstances of the child's family prior to execution in order to ensure the child's safety and wellbeing.
- C. If there is an active investigation being conducted by CYFD into the well being of the child or a law enforcement investigation concerning an alleged violation of criminal law, the deputy will coordinate the execution of the order with both the agency conducting the investigation and the CYFD case worker
- D. Under no circumstances will a child be returned to an alleged perpetrator without the knowledge of the judge signing the court order.
- E. Child custody orders will be served by two Deputies. In the event a child pick up order is being executed, deputies will utilize their Department issued tape recorder during service.
- F. The petitioning parent may accompany the Deputies to pick

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up the child. However, in order to avoid confrontations between the estranged parents or other involved parties, they will not be allowed to enter the building/home where the child is located.

- G. When transporting any child, Deputies must ensure that they comply with all State Laws pertaining to safe transportation of children, seat belts, child seats, etc.
- H. If the transporting Deputies take the involved parties to a hearing, they must be prepared to stand-by until the conclusion of the hearing.

**332-2 SERVICE OF CHILD CUSTODY ORDERS AT APS FACILITIES**

- A. Court orders regarding Child Custody matters will not be executed at a public or private school.
  - 1. A written request may be made to school facilities for the home address of the child, if necessary.

Effective date: February 03, 2005

Effective date: June 18, 2014

### **333 EXTRADITION/TRANSPORT SECTION**

The Department shall provide safe, secure, and efficient transportation/ extradition of prisoners to and from local detention centers, as well as from other States and jurisdictions.

#### **DEFINITIONS:**

##### **EXTRADITIONS**

The process by which a State surrenders to another State an individual accused or convicted of a crime outside its own jurisdiction.

##### **WAIVER OF EXTRADITION**

The consent of return of an individual to the demanding State in the presence of a judge or court of record.

##### **GOVERNOR'S WARRANT**

A warrant for arrest, signed by the Governor of the demanding State, sealed with the State seal, directing any peace officer or other person whom he may think fit to entrust with the execution of the warrant, to take the person into custody and transport them to the demanding State.

##### **WRIT OF HABEAS CORPUS**

The right of the accused person to test the legality of his arrest. Upon doing so, a hearing with a date and time will be set and notification will be made to the demanding state.

##### **DETAINER**

The State which is demanding the return of an individual has their District Attorney's Office provide a document of detainer requesting the said State to detain/hold the individual for extradition.

##### **RENDITION: FORM 6 FEDERAL**

A document processed through the demanding State's District Attorney's Office requiring the holding State to release the accused person so they can be brought to court in the demanding State. This document also provides that the individual will be returned to the State from which he was in custody.

##### **F.A.A. REGULATION: PART #108.21**

Any officer who is involved in transporting prisoners on a Commercial Airline, and who will be flying armed, must take a course of instruction concerning procedures required in this regulation.



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**DIAGNOSTIC EVALUATION (D & E)**

A Court Order requiring a prisoner to be taken to a Correctional Facility for the purpose of evaluating his/her behavior for a specific period of time.

**JUDGEMENT AND SENTENCE (J & S)**

A Court Order which states the court's judgment of a case of an accused person. Further specifies the sentence imposed and directs Law Enforcement Personnel to take said individual into custody and deliver him/her to a State Correctional Facility.

**STATUTORY LAW: NMSA 4-41-12 ENTERING OTHER COUNTIES; POWERS**

The various Sheriffs of the several counties of this state, or any part of this State for the purpose of arresting any person charged with a crime, whether the County so entered by the same to which the Sheriff so entering was elected or the same power as is above mentioned, shall have the same power to call out the power of said County to aid him, as is conferred on Sheriff's in their own counties.

**AUTHORIZED RESTRAINTS:**

- A. Handcuffs - Hinged or Chain
- B. Leg Shackles
- C. Belly Chains & Lock boxes
- D. Nylon / Leather Waist Restraints

**333-1 RULES AND PROCEDURES:**

**PRISONER TRANSPORT (GROUND)**

- A. Prisoners will not be permitted to influence, determine or know the travel itinerary.
- B. Department personnel will be on alert for conversation between inmates regarding escapes or other investigative leads concerning ongoing criminal investigations.
- C. Prisoners are not allowed to possess or spend any money, checks, etc., while in transit. All prisoner funds and valuables shall be kept/stored away from the prisoner.
- D. Prisoners will not be allowed to smoke.
- E. Prisoners will not be allowed to speak to anyone except Departmental Personnel, Correctional Officers, or other prisoners while in transit.
- F. No medication will be administered unless prescribed by a physician or as indicated by an institution.

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- G. Prisoners will not be allowed to place telephone calls while in custody of Departmental Personnel.
- H. All vehicles utilized to transporting any passengers, prisoner's or detainees, whether that person is a male, female, or juvenile; the vehicle will be examined prior to the beginning of each shift to ensure that all equipment are in safe working order, haven't been tampered with, since last use, and free of weapons and contraband.
- I. All vehicles utilized in the transporting of passengers, prisoners or detainees, will be searched prior to and after each individual transport to ensure that no weapons or contraband are present and that nothing had been introduced into the confinement area. This search will be completed in a timely manner.

**333-2 PRISONER TRANSPORT VEHICLE**

- A. In ALL transport situations, it is the transporting Deputies responsibility to ensure that the transport vehicle is safe and equipped with the appropriate items; for example, spare tire, jack, lug wrench, safety flares and fire extinguisher.
  - 1. In situations where a long extended transport of a prisoner or detainee outside of Bernalillo County. The transport vehicle should be equipped with lifesaving equipment such as and AED or First Aid/CPR kit.

**333-3 PERSONNEL RESPONSIBILITIES IN GROUND TRANSPORT**

- A. Under no circumstances should one Deputy attempt to transport more than one violent person at a time.
- B. All vehicles used in the transport of prisoners will be searched prior to use. The search will include an inspection of the prisoner area as well as the entire interior of the vehicle. If the trip involves more than one day, the search shall be completed prior to loading prisoners at the beginning and ending of each day.
- C. A minimum of two (2) Departmental personnel is recommended for each vehicle trip.
- D. Cover or Back-up Deputies will position themselves at out-of-vehicle vantage points during loading and unloading of prisoners.
- E. A full load of all modes of transportation is in accordance with passenger seating configuration for each vehicle used. The number of prisoners assigned to a vehicle shall not exceed the designed passenger load of that vehicle.
- F. At no time will Departmental personnel-prisoner ratio be

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greater than one to one while transporting a prisoner in an unscreened vehicle. Vehicles assigned to the transportation unit will have a security screen in such a position which will separate Departmental personnel from prisoners.

- G. In all cases where provided, seat belts will be utilized by each prisoner and the Deputies.
- H. In the event an unscreened vehicle is being used, the prisoner will be seat belted into the right front passenger seat.

**333-4 SPECIAL CONDITIONS ON TRANSPORTED PRISONERS**

- A. Should it become necessary for the prisoner to use restroom facilities, Personnel shall park as close to the restrooms as possible.
- B. Police facilities should be used when possible.
- C. Prisoners will be removed from the vehicle one at a time.
- D. A thorough search of the facilities will be conducted prior to the prisoner being allowed to use them.
- E. Restraining devices will not be removed.
- F. Each time a prisoner is placed in or removed from a vehicle, a check of the restraints will be done.
- G. Rest areas on interstates should be avoided and facilities should always be selected at random after leaving the interstate highway.
- H. Deputies will notify communications either via radio or department issued phone of their current location, starting and ending mileage, nature of the stop. Deputies will again notify communications when they are back in service with their prisoner.

**333-5 EXTRADITION BY COMMERCIAL AND CHARTER AIR**

- A. The Federal Aviation Administration permits use of restraints on prisoners while flying. However, most airlines have policies prohibiting use of restraints. Individual airlines should be contacted in regards to their respective policies.
- B. A restraint device, non-obtrusive, is mandatory on all extraditions. Deputies will not remove the restraint device while in transport and the prisoner will be instructed to stay within arm's reach of Department personnel.
- C. All personnel flying armed will have received a standard

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block of instruction and be certified in carrying firearms on aircraft as FAA regulation #108-21 states.

- D. Personnel will notify the airline at least one hour in advance of their departure time or, in an emergency, as soon as possible. Personnel will display their credentials and advise that their travel is for moving a prisoner or returning to their office after transporting a prisoner.
- E. Aboard the aircraft, Department Personnel should remain anonymous, and care should be taken not to display any firearms. Care should also be taken to conceal the fact that the prisoner is in custody. A jacket or similar covering should be used to conceal the prisoner's restraints.
- F. The consumption of alcoholic beverages while on duty, armed or while transporting prisoners is strictly prohibited.
- G. In the event of a hijacking, no action will be taken by the Deputies unless the pilot-in-charge requests intervention to restore flight safety. Each airline has procedures to follow in the event of a hijacking.
- H. If the hijacking does occur and the aircraft lands in an unfriendly country, identify yourself immediately and advise that you are armed. If unarmed, use some other form of identification (driver's license). No deliberate attempt should be made to conceal your identity.
- I. Personnel shall inform the airline whether the person is considered to be an escape risk and/or violent.
- J. In the event of an airline transfer or "lay over", Personnel will notify the responsible Law Enforcement agency in that jurisdiction of their presence and need of resources. This should be done prior to the scheduled trip and include all documentation verifying the identities of the Deputies and prisoner, flight numbers and times and special requests.
- K. In the event of a delay, Personnel will make reasonable attempts to notify that jurisdictions responsible law enforcement agency of the delay and potential safety risk.
- L. Only one maximum risk prisoner per flight is allowable.
- M. Personnel will identify themselves as Deputies and notify the air carrier that they are armed.
- N. Weapons WILL NOT be surrendered to airline or airport security personnel when transporting prisoners or when flying en-route to pick up a prisoner.
- O. Deputies will utilize the Department's issued cellular telephone, when necessary, and notify the section of their hotel/motel accommodations and relevant telephone numbers.

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Phone message/mail is available 24 hours a day at the CSD Extraditions number, 468-7114.

- P. Extraditions personnel will not use their own personal credit cards to rent a vehicle while on Departmental business; personnel will utilize the Departmental credit cards. If exigent circumstances require the use of private credit cards, the Division Commander or Assistant Division Commander must authorize its use. Personnel will not purchase auto insurance coverage on rental vehicle(s). Personnel and rented vehicles are automatically covered under the authority of Risk Management.

**333-6 EXTRADITION CLOTHING ATTIRE**

- A. Assigned Deputies will be attired in Department uniform or B.D.U.'s while transporting prisoner(s) within the State of New Mexico. Any exceptions to uniform will be upon direction of the Division Commander.
- B. Deputies assigned on Charter Aircraft extraditions, will be attired in Department Uniform or B.D.U.'s. Any exceptions to uniform will be upon direction of the Section Supervisor or Division Commander.
- C. Deputies traveling out of state on extraditions will be attired in business casual attire as not to attract undue attention when accompanying prisoners.
- D. Female Deputies will dress appropriately and with similar business attire as Male Deputies.

**333-7 HANDLING A DISTURBED OR VIOLENT PRISONER**

Handling a mentally ill or violent person for transportation or extradition is difficult and extremely dangerous work. Deputies should gather as much information as possible on the prisoner they are transporting to increase overall safety, in preparation for transport. Specialized training will be authorized for Deputies assigned to the Extraditions Unit as the deemed necessary by the Extraditions Sergeant. This training could include, but is not limited to : Crisis Intervention, Dignitary Protection, Advanced Vehicle Operations, Intermediate Force Control etc.

**333-8 PRISONER CARE**

- A. If a prisoner needs medical attention while being transported by Department personnel, they will be taken to the nearest medical facility that is available to the transporting Deputies.
- B. If temporary treatment of the medical problem can be accomplished in a timely manner, Department personnel will stay with the prisoner and then continue on with the

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transport to the original destination without delay.

- C. If the treatment of a prisoner becomes of such a nature as to cause his/her admission into a medical facility, the Deputy-in-Charge shall immediately call his supervisor(s) so that proper arrangements can be made as to the guarding of the prisoner, as well as ensure that proper medical attention is received.
- D. If it should become necessary to make arrangement for medical or housing expenses to be taken care of while transporting a prisoner, any bills incurred should be addressed as follows:

Bernalillo County Sheriff's Department  
ATTN: Administrative Section  
P.O. Box 25927  
Albuquerque, New Mexico 87125-5927

**333-9 PRISONER SEARCHES**

- A. The in-custody search is employed at the time of arrest, when assuming custody from another officer, or upon acceptance of a prisoner from a jail or prior to the removal from a cell block or a detention facility.
- B. Department personnel are required to personally search each prisoner when assuming custody of the person. Searches of prisoners and their property are for the purpose of identifying and removing any contraband. This includes illegal or controlled substances and weapons or other items which may cause or result in bodily injury to the transporting Deputies, the prisoner, or other prisoners. Articles which may be hazardous or may aid in the escape or attempted escape of a prisoner will also be confiscated.
- C. Prisoner searches require a professional, systematic and consistent approach. The Deputy should have a professional attitude toward the search and the prisoner. This should be exhibited by a polite but firm demeanor. Prisoners should not be physically forced as long as they comply with the Deputies' commands. The search should be systematic and methodical. Deputies also need to strive for consistency in searches as experienced prisoners may distract the Deputies efforts and the repetitive nature of the work may dull the officer's search methods.
- D. In-custody searches of female prisoners should be made by female personnel and of male prisoners by male personnel. Only in emergency circumstances will an in-custody search of a sworn personnel of the opposite sex be allowed and then the search will be done with the utmost discretion, preferably with another person in attendance. Hand-held metal detectors should be used if available.

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**333- PREFERRED SEARCH PROCEDURES FOR MALE PRISONERS**

**10**

- A- Prisoner removes outer clothing (jacket or coat).
- B- Searching Deputy removes all contents from the prisoner's pockets, belts and caps.
- C- Deputy then instructs the prisoner to remove any and all jewelry on the persons, to include any "body jewelry". If the body jewelry is located in an intimate area, Deputies will coordinate with the other agencies involved to have these items removed in a private area.
- D- Prisoner removes footwear and socks to enable visual search of toes and bottom of feet.
- E- Prisoner is directed to assume a position with feet approximately two feet apart and arms outstretched or against a wall with his/her back to the searching Deputy.
- F- The Deputy will complete a quadrant oriented and systematic search of the prisoner based on approved search techniques.
- G- After the body search is completed, the Deputy will then check the prisoners outer clothing, contents of pockets, shoes and socks.
- H- The last area checked is the mouth cavity which is done visually.

**333- PREFERRED SEARCHING PROCEDURES FOR FEMALE PRISONERS**

**11**

- A. The same pattern of search is done for a female prisoner with the following exceptions:
- B. The Deputy should run the back of his/her hands between and under the prisoner's breasts to check for the presence of concealed weapons or contraband. The Deputy should continue to run his/her hands down the prisoner's front, checking any pockets or crevices in the clothing
- C. The Deputy will continue the quadrant oriented and systematic search of the prisoner's lower body, waistline to feet.
- D. The Deputy should be aware of areas covered by baggie clothing looking for concealed articles which might be taped in the areas covered.
- E. If the prisoner is wearing a skirt, a female Deputy should lift the skirt and make a visual inspection of the prisoner's legs.

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**333-1 THE STRIP OR VISUAL SEARCH**

**2**

- A. Deputies are authorized to conduct strip searches on prisoners in their custody when there is a reason to believe that the prisoner may be carrying contraband, is considered to be suicidal or an escape risk. Strip searches must take place in an area in which visual privacy is ensured and without TV monitors. Searches of body areas covered by bandages or dressings should be conducted by a physician, physician's assistant or a nurse, if at all possible. Strip searches will be conducted only by a sworn personnel of the same sex as the prisoner.
- B. Detention facilities and institutions routinely conduct strip searches as part of admission procedures. Prior to accepting a prisoner(s) from a detention facility or an institution, Deputies may perform a strip search, and if the Deputies have reason to believe that a strip search is necessary, but are not allowed to conduct one, they are authorized to refuse to accept the prisoner. The District Attorney's Office and Extraditions Unit Supervisor(s) are to be immediately notified if a prisoner is not to be transported.
- C. A digital intrusion search will be undertaken only when there is probable cause to believe that the prisoner has concealed contraband in a body cavity. A search warrant shall be obtained prior to executing a digital intrusion search.
- D. If circumstances indicate that an intrusion search is justified but not immediately required for personnel security reasons, the District Attorney and Extraditions Unit Supervisor(s) should be contacted regarding the advisability of the action and the necessity of a Search Warrant in light of case law regarding internal searches of prisoners.
- E. The use of the X-Ray machine is used for prisoners wearing casts or prosthetic devices. In all cases, Deputies should verify an injury requiring a cast either with the jail or medical facility that treated the prisoner. This X-Ray search may also be used if the Deputy has reasonable grounds to believe the prisoner has swallowed contraband. This medical procedure must first, however, be authorized by a physician.
- F. Reports will be written to document all cases of strip/body cavity searches.



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Effective date: May 22, 2012

### **334 WARRANTS SECTION**

The Department shall receive, file and maintain all state Court Warrants for Bernalillo County. The Warrants Section is available for inquires 24 hours a day, and can provide information on all warrants and Domestic Violence Orders on request.

#### **RULES AND PROCEDURES:**

#### **334-1 WARRANTS**

- A. The information recovered from the Warrants Section is of a confidential nature and is to be used by duly commissioned law enforcement officers only. It is incumbent upon warrants staff to take necessary precautions to prevent any unauthorized operation. Warrants staff will generate an inquiry only upon the request of a commissioned law enforcement officer.
  - 1. For purposes of this Section, bona fide local bonding companies are recognized as performing a law enforcement function and are authorized to limited information from the Warrants Section.
    - a. The Warrants Section will maintain a current list of all local bonding companies and their main office telephone numbers.
    - b. Bonding companies and their employed agents may request confirmation of the status of an Arrest Warrant.
    - c. Confirmation of Arrest Warrants will only be authorized from the bonding company main office, and will only be given by return phone call to the company main office.
    - d. Information of any Arrest Warrant will be limited to the status of the warrant only; information regarding charges, bond amount or any other information contained in the warrant will not be given or provided.
- B. All operators will be completely familiar with all security regulations as published in the NMLETS, NLETS, NMCIC and NCIC manuals regarding the operation of the terminals in the Data Room.
- C. All sworn personnel of the Department, regardless of assignment, are required to adhere to these security regulations and will not generate any inquiries to the Data Room except for bonafide criminal justice use. Information generated from systems within the Data Room will not be disseminated to any person not authorized to receive it.
- D. When a request for verification is made by an individual deputy/officer by telephone, the requestor will be informed to make their request through their Department's

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CommunicationsCenter. A return call will be made to the law enforcement agency's CommunicationsCenter to verify and ensure the requestor's validity.

- E. If a Deputy has made an arrest on the basis of information received from the Warrants Section, and has asked them to fax the warrant to booking, they should ensure that the prisoner is booked. If for some reason, medical problems or other, the booking is not completed, the Deputy should advise the Warrants Section before their shift is over. (Otherwise the warrant will be cancelled.)
- F. Any person requesting entry into the Warrants Section will be identified at the door prior to permitting entry. The practice of "buzzing" the door when the phone rings, without visually verifying the identity of the person is prohibited. Absolutely no person(s) will be admitted into the Warrants Section whose identity cannot be verified or have no official purpose with the Section. The Warrants Section is a Secure Area and its integrity will be maintained.
- G. The handling of warrants and file folders is restricted to personnel assigned to the Warrants Section and the Section's divisional chain of command. No other persons are permitted to handle warrants or file folders, including Sworn deputies/officers.
- H. Approved Law Enforcement personnel may review a warrant's file folder with the assistance of on-duty Warrants personnel. Warrants personnel are the only authorized personnel to retrieve files from the Warrants Section files. All files will be reviewed at the desk designated by the on-duty supervisor. When the file review is completed, the Warrants personnel will appropriately re-file all documentation as soon as the review is completed.
- I. Copies of warrants will not be provided to anyone, for any reason, except for the purpose of booking the named defendant into a recognized correctional facility. **EXCEPTION** will be made in cases of Juvenile warrants requiring the child to appear directly before a Judge, which requires the arresting deputy/officer to have a copy of the warrant. Copies of warrants for booking purposes will be faxed to the correctional facility **ONLY**, after receiving the request to do so by the booking law enforcement personnel. Persons wishing to have a copy of a warrant for informational purposes will be offered a copy of the appropriate WITS Citizen Warrant Screen (screen capture) **ONLY**, which provides all the information obtainable from the original warrant.
- J. Warrants Lists will be provided on or about the 1<sup>st</sup> of the upcoming month for BCSD and APD Area Commands, Judicial Operations and the Albuquerque Police Department's Fugitive Unit. The responsibility of performing this task will be assigned by the Warrants Section Supervisor. Individual or

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special requests for a Warrants List must be approved with justification no less than 24-hours in advance, and approved by the Warrants Section Supervisor.

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Effective date: May 22, 2012

Effective date: February 03, 2005

### **335 COMMUNITY ORIENTED POLICING**

The Department shall develop an interactive relationship with the community, in a concerted effort to reduce crime problems within the county service area.

#### **RULES AND PROCEDURES:**

#### **335-1 COMMUNITY POLICING**

- A. Personnel will direct their efforts to accomplish the following:
  - 1. Define neighborhoods.
  - 2. Develop internal and external resources for problem resolution.
  - 3. Determine the nature of neighborhood crime problems.
  - 4. Implement problem solving initiatives utilizing agency and community resources.
  - 5. Evaluate process for disposition.
- B. Community Policing teams will be placed directly in the geographical subdivisions of the county. This placement will provide an equal effort to avoid the negative impact of isolation by community members and agency personnel. Placement will be permanent or long term to form lasting and productive partnerships with the community.
- C. Community Policing success depends on the development of a working relationship with peers and community members. To promote this relationship, the teams will attend agency briefings in the area substation and will conduct formal and informal training and education for peer personnel. These teams will seek input from peers on:
  - 1. Perceptions of criminal activity in the community.
  - 2. Identification of restrictions for problem solving.
  - 3. Usefulness of resources available to personnel.
  - 4. Recommendations for prioritizing problem solving efforts.
- D. All Deputies will strive to provide solutions to problems that are presented to them by citizens of the community.

Effective date: February 03, 2005



Effective date: February 03, 2005

Effective date: May 22, 2012

### **336 DEALING WITH DEAF / SPEECH IMPAIRED PERSONS**

The purpose of this Section is to establish procedures for handling individuals who are deaf or speech impaired. Persons who are victims, witnesses, or involuntarily detained/arrested will be accorded the same privileges and rights as any other individual.

#### **POLICY**

It is the policy of the Bernalillo County Sheriff's Department to comply with all applicable aspects of the Americans with Disabilities Act as enacted by Congress under Public Law 101-336-July 26, 1990, in dealing with deaf/speech impaired persons.

#### **COMMUNICATIONS**

All Department personnel will assist disabled person(s) communicate their needs when providing police service. This includes, but is not limited to:

- A. Use of sign language
- B. Use of TDDs
- C. Use of written notes
- D. Use of interpreters
- E. Use of other reasonable means necessary to conduct business

#### **DEFINITIONS**

##### DEAF/SPEECH IMPAIRED PERSON

- A. A deaf person is one who, because of hearing impairment, cannot readily understand an oral or spoken language, or who cannot readily communicate in an oral or spoken language.
- B. A speech impaired person is one who because of a hearing impairment and/or a lack of ability to distinguish sounds or words regardless of cause or manifestation, is unable to produce words and cannot readily communicate in an oral or spoken language.

##### INTERPRETER

A person capable of interpreting and translating criminal, civil and administrative proceedings for deaf/speech impaired or non-English speaking persons. The interpreter must be certified by the National Registry of Interpreters and be able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary vocabulary.

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#### **RULES AND PROCEDURES**

This standard operating procedures addresses only those situations where a Deputy, after consulting with the individual with a hearing impairment, determines that the services of an interpreter, hereafter referred to as a "signer", are necessary to ensure effective communication, or when the individual requests the services of a signer.

#### **336-1 DURING AN INVESTIGATION**

- A. **Suspect:** A signer must be provided if the situation is so complex or lengthy that written communication is ineffective. If the deputy cannot wait until a signer arrives, the deputy has two alternatives:
1. If the investigation does not involve a serious offense, the deputy can postpone the investigation until he/she can return with a signer. If the signer is unable to respond or if the deputy cannot return to the scene, the deputy must document this fact in the report.
  2. If the investigation involves a major crime, the deputy will contact his/her supervisor to determine if a detective will be called to assist. If the supervisor determines that a detective will not be called, the deputy must document this fact in his/her report.
- B. **Victim or Witness:** If a deputy is unable to communicate effectively with a victim or witness by use of a note pad or by use of some other means of communications, the deputy must obtain a signer. If the deputy cannot wait for a signer, the deputy has three alternatives.
1. If the investigation involves a serious offense, the deputy will have a signer dispatched to the victim's or witness' location. If a signer is unable to respond, the deputy must document the fact in his/her report.
  2. If the investigation does not involve a serious offense, the deputy can ask the victim or witness to come voluntarily to the substation for a signer, where the deputy can continue with the investigation. If a signer is unable to respond or if the deputy cannot return to the substation, the deputy must document the fact in his/her report.
  3. If the victim or witness information is needed for an arrest in a case for completing the investigation of a case, the deputy must contact his/her supervisor. The supervisor will determine if a detective will be called to assist. If the supervisor determines a detective will not be called and if the deputy cannot return to the scene, then the deputy should document the fact in his/her report.

#### **C. Arrest of Issuance of Traffic and Criminal Citations**

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1. In those situations where a deputy has probable cause to make an arrest or issue a criminal citation, without having to interview the suspect with a hearing impairment, the deputy does not have to provide a signer, except for the following situation:
  - a. If a deputy is unable to convey the nature of the criminal charges to the arrestee, the deputy must call a signer, unless the arrestee waives his/her right for a signer. The arrestee will be transported to an interview room at the main or the area substation where the deputy will convey the information through the signer.
  - b. if a deputy has stopped a suspect for committing a non-criminal (traffic) infraction and if the deputy is unable to convey to the violator the nature of the infraction, the deputy has the discretion to call a signer to the scene or issue a warning citation.

2. Interrogation of an Arrestee

- a. Subsequent to an arrest, the deputy should obtain a signer prior to the interrogation. If circumstances do not permit a delay in the interrogation of the arrestee or if a signer cannot be located within a reasonable period of time, or if written communication between the deputy and the arrestee is effective, the deputy may proceed with the interrogation by using a note pad. The Deputy will, if communication is established, continue with normal procedures, complete with Miranda.
- b. If written communication is found to be ineffective or because the arrestee chooses to discontinue the interrogation, the deputy must postpone the interrogation until a signer is present before continuing the interrogation.
- c. The detective will document arrival and departure times of the signer, and notify Bernalillo County Communications Department of these times, so the signer's time of service to the Bernalillo County Sheriff's Department can be accurately computed.

**D. Waiver of Interpreter**

1. A deaf or hearing-impaired person may not waive his/her right to an interpreter unless given a reasonable opportunity to communicate privately with a qualified interpreter before such waiver. No waiver of the right to an interpreter, will be valid unless the deaf or hearing-impaired person knowingly and voluntarily signs the Deaf/Hearing impaired Sign Language Interpreter Waiver.

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2. An interpreter will be used to read/write the Interpreter Refusal Waiver in the appropriate language for the person requesting a waiver.
3. The Interpreter Refusal Waiver will be prepared in duplicate and notarized, preferably by the deputy's immediate supervisor.
4. If after signing the waiver, the individual requests a signer, the deputy must stop the interview and request that a signer be dispatched in order to continue with the interrogation/interview.

**E. Interpreter Information and Written Evidence**

1. Deputies will initiate an offense/incident report whenever an interpreter is called out. The report will include the name of the deaf/hearing-impaired person and all identifying information on the interpreter. The deputy will, as soon as possible, send a copy of the report to SSD Fiscal Division, in order to verify services were actually rendered.
2. All written questions and responses between deputies and persons with hearing impairments will be treated as evidence and handled accordingly.
3. Original documents containing information from an interview will remain with the original report.

**F. Providing Auxiliary Aid or Service of Choice**

1. When an auxiliary aid or service is required, the Sheriff's Department must provide individuals with hearing impairments with the auxiliary aids and services of their choice and will give primary consideration to the choice expressed by the individual.
2. "Primary consideration" means that the Sheriff's Department must honor the choice, unless:
  - a. The Department can show that another equally effective means of communication is available, or
  - b. Use of the means chosen would result in a fundamental alternation in the service, program, or activity or incur undue financial and administrative burdens.
3. Auxiliary Aids of Service included:
  - a. Any written materials to aid in communication.
  - b. Pencils, pens, and note pads.

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- c. An Interpreter
- d. Any other means for effective communication

**G. On-Call Interpreters**

- 1. Deputies will request the signer on-call only after establishing:
  - a. That the deaf or hearing-impaired individual is the subject of an official police investigation.
  - b. Is the victim or witness of an official police investigation.

**H. Evacuation Procedures**

- 1. When it is necessary to evacuate a deaf/speech impaired or non-English speaking person from the Law Enforcement Center for any emergency, the following procedures will be used by the effective Floor Warden:
  - a. Alert the person of the emergency and direct him/her to the nearest fire exit.
  - b. Ensure that the person understands that an emergency situation exists.
  - c. Escort the person from the building.

**I. Should a non-violent, hearing-impaired person be arrested and transported to a police facility or any other location for questions/interviewing:**

- 1. Deputies/detectives may allow, when safety permits, the handcuffing of the person in the front. Personnel are strongly encouraged to utilize two deputies during the transport and should never leave a hearing-impaired person alone in an interview room.

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**337 SEX OFFENDER REGISTRATION / TRACKING UNIT**

The Department shall fully document all persons who are subject to comply with the New Mexico Sex Offender Registration Laws. These persons shall be documented as is prescribed by New Mexico State law regardless of the location of the commission of their crime or the location of their subsequent conviction.

Deputies assigned to the Sex Offender Registration and Tracking Unit shall complete all required documents and forward said documents to the NMDPS as is prescribed by State law.

NMSA 1978, Section 29-11A-3 sets forth the condition under which offenders are to be registered and dictates the manner in which information is to be distributed. Failure to comply with the requirements of the statute is a violation of Department policy as well as State law.

**337-1 DEFINITIONS:**

**REGISTERED SEX OFFENDER**

A person who is eighteen years of age or older who:

- A. Is a resident of Bernalillo County who is convicted of a sex offense in New Mexico.
- B. Changes his/her residence to Bernalillo County, when that person has been convicted of a sex offense in another state, pursuant to state, federal or military law.
- C. Is a resident of Bernalillo County who is convicted of a sex offense, pursuant to federal or military law.
- D. Is a resident of another state and who has been convicted of a sex offense pursuant to state, federal or military law, but who is:
  - 1. Employed full-time or part-time in Bernalillo County for a period of time exceeding fourteen days or for an aggregate period of time exceeding thirty days during any calendar year.
  - 2. Enrolled on a full-time or part-time basis in a private or public school in Bernalillo County, including a secondary school, trade school, a professional institution or an institution of higher education.

**337-2 SEX OFFENSE**

- A. Aggravated criminal sexual penetration in the first, second, third or fourth degree, as provided by Section 30-9-11, NMSA 1978.

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- B. Criminal Sexual Contact in the fourth degree, as provided in Section 30-9-12, NMSA 1978.
- C. Criminal Sexual Contact of a Minor in the second, third or fourth degree, as provided in Section 30-6A-3, NMSA 1978.
- D. Sexual Exploitation of children, as provided in Subsection A, B or C of Section 30-6A-3, NMSA 1978.
- E. Sexual Exploitation of Children by Prostitution, as provided in Section 30-6A-4, NMSA 1978.
- F. Kidnapping, as provided in Section 30-4-1, NMSA 1978, when with the intent to inflict a sexual offense.
- G. False Imprisonment, as provided in Section 30-4-3, NMSA 1978, when committed with the intent to inflict a sexual offense.
- H. Aggravated indecent exposure, as provided in Section 30-9-143, NMSA 1978.
- I. Enticement of a child, as provide in Section 30-9-1, NMSA 1978.
- J. Incest, as provided in Section 30-10-3, NMSA 1978 when the victim is younger that eighteen years of age.
- K. Child solicitation by electronic communications devise, as provided in Section 30-37-3.2 , NMSA 1978 for convictions occurring on or after July 1, 2013.
- L. Solicitation to commit Criminal Sexual Contact of a Minor in the second, third or fourth degree, as provided in Section 30-9-13 and 30-28-3, NMSA 1978.
- M. Attempt to commit any of the sex offenses set forth in Paragraphs A though L of this subsection, as provided in Section 30-28-1, NMSA 1978.
- N. Any act that amounts to the behavior prohibited in the above entitled statutes regardless of the titles or statutes applied in the jurisdiction in which the offense occurred.

**RULES AND PROCEDURES:**

**337-3 REGISTRATION PROCESS**

The Sex Offender Registration and Tracking Unit will be responsible for facilitating the registration process required for the citizens of Bernalillo County.

Members of the Sex Offender Registration and Tracking Unit will provide an opportunity on a weekly basis for offenders residing, working or obtaining educational services in BernalilloCounty to meet with them and register as required. The Sheriff or his designee will designate the day of the week

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and the location for our registration process.

Deputies will utilize the designated database to input the required information required by the State of New Mexico or this Department.

During the registration process, the member of the Sex Offender Registration and Tracking Unit shall collect the following information when registering an individual who is a full-time resident of BernalilloCounty:

- A. The sex offender's legal name and any other names or aliases that he/she is using or has used.
- B. The sex offender's date of birth.
- C. The sex offender's social security number.
- D. The sex offender's current address.
- E. The sex offender's place of employment.
- F. The sex offense for which he/she was convicted.
- G. The date and place of his/her sexual offense conviction.
- H. The sex offender's names, email address and moniker and other self-identifiers used on social networking sites, to be used only for law enforcement purposes.
- I. The sex offender's landline and cellular telephone numbers and any other telephone numbers primarily used by the sex offender.
- J. The sex offender's professional licenses.
- K. The license plate or other identifier and the description of any vehicle owned or primary operated by the sex offender, including aircraft and watercraft.
- L. The name and address of any school or institution of higher education that the sex offender is attending.
- M. Copies of the sex offender's passport and immigration documents.
- N. Is convicted on or after July 1, 2005 a DNA sample will be taken.

The member of the Sex Offender Registration and Tracking Unit will also collect a complete set of fingerprints, and front and side view photographs of each registrant at the time of registration. A description of any tattoos, scars or other distinguishing features on the sex offender's body that would

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assist in identifying the sex offender.

During the registration process, the member of the Sex Offender Registration and Tracking Unit shall collect the following information when registering an individual who is a part-time resident of Bernalillo County.

- A. The registrants legal name and any other names or aliases that he/she is using or has used.
- B. The registrants date of birth.
- C. The registrants social security number.
- D. The registrants current address in his/her state of residence and if applicable, the address of his/her place of lodging in New Mexico while he/she is working or attending school.
- E. The registrants place of employment or the name of the school he/she is attending.
- F. The sex offense for which the registrant was convicted.
- G. The date and place of the registrants sexual offense conviction.
- H. If convicted on or after July 1, 2005, a DNA sample will be taken.

The member of the Sex Offender Registration and Tracking Unit will also collect a complete set of fingerprints and front and side view photographs of each registrant at the time of registration. A description of any tattoos, scars or other distinguishing features on the sex offender's body that would assist in identifying the sex offender.

Members of the Sex Offender Registration and Tracking Unit may collect other information from registrants as is deemed appropriate by the Unit Supervisor.

**INFORMATION TRACKING**

**337-4**

Members of the Sex Offender Registration and Tracking Unit shall accept, document and track initial registrations and address changes received by the Sheriff's Department. All information received shall be forwarded to the NMDPS as is required by law.

**PROSECUTION**

**337-5**

Members of the Sex Offender Registration and Tracking Unit shall prepare reports, warrants and case investigation materials for the District Attorney's Office to be utilized for the prosecution of sex offenders residing and working

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within BernalilloCounty if those offenders violate the provisions set down by law. The members of the Sex Offender Registration and Tracking Unit will also coordinate with officers assigned to supervise sex offenders who are monitored by the New Mexico Department of Probation and Parole. The members of the Sex Offender Registration and Tracking Unit will provide support to include documentation of acts that violate the sex offender registration laws of the State of New Mexico.

**INFORMATION AND RETENTION AND DISTRIBUTION**

**337-6**

The members of the Sex Offender Registration and Tracking Unit shall maintain a local registry of sex offenders living, working or obtaining education services within BernalilloCounty.

The members of the Sex Offender Registration and Training Unit shall forward information contained within the local registry to both the District Attorney of Bernalillo County and the Chief of the Albuquerque Police Department, or to their appointed designees.

Members of the Sex Offender Registration and Tracking Unit may at the direction of the Unit Supervisor, share information obtained during the registration process with other law enforcement agencies, researchers and education entities or personnel in an effort to further protect the citizens of BernalilloCounty. This effort may be extended to the publication of information in any format.

In the vent that a citizen of BernalilloCounty makes a request for information pertaining to the identity or location of offenders registered with the Bernalillo County Sheriff's Department that citizen would be provided with that information within seven days. Information pertaining to the offender's social security number, will not be distributed under any circumstances. Information pertaining to the offender's employment will not be distributed unless the offender's employment requires him/her to have direct contact with children.

Information pertaining to registered sex offenders will be distributed to citizens only after the citizen placing the request provides the Sex Offender Registration and Tracking Unit a photo ID and current address information. Therefore, all information distribution by the Sex Offender Registration and Tracking Unit must be done in person. The members of the Sex Offender Registration and Tracking Unit may not distribute information without receiving identification unless the Unit's Supervisor expressly approved it. Information pertaining to the offender's social security number will not be distributed under any circumstances. Information pertaining to the offender's employment will not be distributed unless the offender's employment requires him/her to have direct contact

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with children.

Members of the Sex Offender Registration and Tracking Unit may refer citizens to the NMDPS web site for information at any time without obtaining identification information.

Members of the Sex Offender Registration and Tracking Unit will distribute information pertaining to the following registration, re-registration or information change collected by the Bernalillo County Sheriff's Department. This information shall be forwarded to all licensed day care centers, elementary schools, middle schools, and high schools within a one mile radius of the offenders place of resident or employment. The offender's social security number may not be released under any circumstances. Information pertaining to the offender's employment will not be distributed unless the offender's employment requires him/her to have direct contact with children. Information updates shall be distributed to the Bernalillo County District Attorney's Office and the Chief of the Albuquerque Police Department or their designees, in its complete form.

Members of the Sex Offender Registration and Tracking Unit will notify the NMDPS within five days of receiving information from an offender that indicates that the offender is moving to another state.

### **337-7 APPLICATION**

Members of the Sex Offender Registration and Tracking Unit are to apply the provisions for registration outline herein to all persons residing, working or obtaining education services within Bernalillo County, who have been convicted of a sex offense on or after July 1, 1995, and persons convicted of a sex offense prior to July 01, 1995, and who, on July 01, 1995, were incarcerated, on probation or on parole, convicted on or after July 1, 2005 and a person convicted prior to July 1, 2005 who as still incarnated or on probation or parole, or on or after July 1, 2013 is found guilty of committing a sex offense.

Deputies assigned to the Sex Offender and Tracking Unit will conduct an address verification on each assigned sex offender assigned to them, a minimum of twice in a calendar year. The verified address will be documented in the designated database. If it is determined that the sex offender has moved or provided false information, the Deputy will attempt to locate the sex offender. If all attempts to locate the sex offender, the Deputy will initiate an investigation.

When a sex offender fails to comply with the Sex Offender Registration Notification Act, the assigned Deputy will initiate an investigation and complete a case file. If the investigation dictates that an arrest warrant be written, the Deputy will prepare the case file and warrant. Once the investigation has been reviewed by the supervisor, the Deputy

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will have the District Attorney review and approve the  
warrant.

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Effective date: October 10, 2016

Effective date: December 28, 2015

### **338 RESPONSE TO BOMB THREATS, CRITICAL INCIDENTS, AND EMERGENCIES**

The Department shall respond to a bomb threats, critical incidents, and other emergencies incident and provide for the safety of citizens and personnel in the response, deployment, and handling of bomb threat/emergency situations such critical incidents.

#### **DEFINITIONS:**

##### **BOMB THREAT**

A bomb threat is a condition when a suspected bomb/explosive device has been reported but not located.

##### **BOMB EMERGENCY**

A bomb emergency is a condition when a suspected or actual bomb/ explosive device has been located or when an explosion occurs.

##### **CRITICAL INCIDENTS**

A Critical incident is defined as any event that has a stressful impact sufficient enough to overwhelm the usually effective coping skills of an individual. Critical Incidents are abrupt, powerful events that fall outside the range of ordinary human experiences.

#### **RULES AND PROCEDURES: BOMB THREAT/CRITICAL INCIDENTS**

##### **338-1 COMMUNICATIONS RESPONSIBILITIES**

- A. Personnel receiving notification of a bomb threat/critical incidents will:
  - 1. Keep the reporting party on the line and determine, if possible, the reason for suspicion that an explosive device may be present.
  - 2. Will obtain information of the critical incident to aid in the request and deployment of additional resources.
  - 3. Dispatch a Field Services unit immediately.
  - 4. Upon dispatching units to the location, the on-duty supervisor and watch Commander will be notified.
  - 5. As directed by the dispatched Deputy or field supervisor, will notify the appropriate Fire Department and provide deployment instructions for responding apparatus.

##### **338-2 DISPATCHED DEPUTIES RESPONSIBILITIES - BOMB THREATS**

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- A. All unit responding to the bomb threat ~~units~~ will cease radio transmissions within a four block radius of the suspected location of the device.
- B. Make contact with the person in charge of the premises and the person who reported the threat.
- C. The responding Deputy should ask, but not be limited to the following questions:
  - 1. Have previous threats been received and the outcome of those threats.
  - 2. Possible motives.
  - 3. Vulnerabilities of equipment and/or personnel.
  - 4. Any other questions which might provide assistance in determining the probability of an explosive device being on site.
- D. When the probability of an explosive device has been established, telephone contact will be established with the CommunicationsCenter. The deployment of Fire/Rescue equipment should be requested.
- E. The decision to search a public building or area rests with the Deputy or supervisor on scene. Permission is required to search a private residence or business.

**338-3 DISPATCHED DEPUTIES RESPONSIBILITIES - CRITICAL INCIDENTS**

- A. Responding Deputies will make contact with the reporting party and obtain additional information on the specific threat and critical incident.
- B. Appropriate notification will be made to the field supervisor requesting additional resources to aid in the containment and investigation of the scene.

**338-4 SEARCH PROCEDURE**

- A. A plan should be developed before a search is initiated. The areas to be searched and the extent of the search will depend on the following:
  - 1. The type of premises.
  - 2. The motivation of the suspect.
  - 3. The accessibility of the location.
- B. A floor plan should be obtained and search areas assigned. If a floor plan is unavailable a sketch of the location should be completed and copies given to each search team.

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- C. An attempt should be made to utilize personnel familiar with the areas to be searched when assigning search teams.
- D. Where a search fails to discover an explosive device, Deputies will state only that a device was not found.
- E. The search will be discontinued when :
  - 1. Requested to do so by the owner of the premises or the owner's designee.
  - 2. Directed to do so by the on-scene supervisor.
  - 3. Directed by the Albuquerque Police Departments Emergency Ordnance Disposal personnel.
  - 4. The Deputy is satisfied that the probability of finding a device by further search is minimal.
- F. Deputies will not discourage the person in charge of the premises from continuing with a search after Deputies departure.

**RULES AND PROCEDURES: BOMB EMERGENCY**

**338-5 INITIAL CONTACT**

- A. When a call is received by personnel of the Department regarding a suspected bomb/explosive device or military ordnance which has been found, the person receiving the call will attempt to obtain information regarding:
  - 1. The location of the device.
  - 2. Type and description of the device.
  - 3. Quantity and characteristics of the device.
  - 4. Time the device is set to detonate.
  - 5. Name of the caller.
  - 6. Any other information, such as the caller's sex, accent, and any discernible background noises.
  - 7. The time call was received, and the time call was terminated.
- B. The person receiving the call will then notify the Communications Section regarding the call and relay all information obtained.

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**338-6 COMMUNICATIONS RESPONSIBILITIES**

- A. Advise the reporting person to evacuate the concerned area immediately and take all available precautions.
- B. Dispatch units as necessary for evacuation and establishing a perimeter.
- C. Notify the Bernalillo County Fire Department for dispatch of appropriate emergency equipment.
- D. Advise the field supervisor of existing circumstances.
- E. Notify the Albuquerque Police Department's Emergency Ordinance Disposal Unit.

**338-7 DISPATCHED DEPUTIES RESPONSIBILITIES**

- A. All responding units will cease radio transmissions within a four block radius of the suspected or known device. Communications will be conducted by telephone.
- B. The dispatched Deputy will ensure evacuation of all occupants from the immediate area (300 feet or more) and attempt to view the area of the explosive device from a location that provides maximum protection.
- C. When a suspected device is located, the dispatched Deputy will be responsible for obtaining completed preliminary information (witness, calling party, and persons present) and relay this information to the Albuquerque Police Department Emergency Ordnance Disposal personnel.
- D. Personnel will not touch or disturb a suspected device, regardless of how harmless or innocent it may appear.
- E. Fire Department personnel will be allowed access to the area in the event of a detonation which causes fire or injury.
- F. The Fire Department will have primary responsibility in the event a fire occurs or emergency medical treatment is required. Bomb disposal and investigation remain the primary responsibility of the Sheriff's Department.

**338-8 SUPERVISOR RESPONSIBILITIES**

- A. The supervisor will be responsible for the establishing of a perimeter in the immediate area surrounding the known or suspected device.
- B. The supervisor will take appropriate action for notifying the Albuquerque Police Department's E.O.D. unit.
- C. In all cases where E.O.D. personnel respond to the scene of a known or suspected explosive device and have been briefed,

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the control containment, and/or removal of the device will be coordinated with the on-scene supervisor.

- D. The supervisor will coordinate the evacuation of all occupants from the immediate area.
- E. A Field Command Post should be established as soon as possible. The Fire Department's Chief Officer will respond to this location and act as a liaison to coordinate any type of joint effort that may be required.
- F. The Field Command Post should be on the perimeter of the four (4) block area. Fire Department units which are responding to the incident will initially stage at a four (4) block minimum.

**RULES AND PROCEDURES: DETONATED DEVICES**

**338-9 COMMUNICATIONS RESPONSIBILITIES**

- A. Dispatch a field unit to the location, and provide as much pertinent information as available.
- B. Dispatched units will be constantly updated on incoming information.
- C. Notify the field supervisor of the call and situation.
- D. Notify the Fire Department and ambulance services for response.
- E. Notify the Albuquerque Police Department's E.O.D. unit to respond.
- F. Obtain as much information as possible from the reporting party concerning the location of the explosion, injuries, and/or fire.

**338- DISPATCHED DEPUTIES RESPONSIBILITIES**

**10**

When a device has exploded/detonated, Deputies will respond to the location and establish a security perimeter in the immediate area surrounding the explosion site.

**338- PUBLIC NOTIFICATION FOR AWARENESS AND SAFETY**

**11**

- A. The Sheriff's Public Information Officer (PIO) will be responsible for notifying the public and media of police advisories such as evacuations, shelter in place, public safety information.
- B. At the discretion of the Sheriff, through the PIO, these alerts may be posted on Social Media Network Computer sites.

Effective date: December 28, 2015

Effective date: February 03, 2005

**339 BUILDING SECURITY AND EMERGENCY PROCEDURES**

The Department shall have specific guidelines pertaining to use of employee identification while present in the law enforcement center. It is also the policy of this Department to have specific guidelines for the evacuation of the law enforcement center in the event of an emergency.

**RULES AND PROCEDURES:**

**339-1 CENTER**

- A. Personnel will wear their identification card or issued badge on an outer garment when in the LawEnforcementCenter and not in uniform.
- B. Personnel observing anyone not in uniform or not wearing an identification card in the building after normal business hours shall ascertain their business in the building and take appropriate action.
- C. Division Commanders will ensure that the outer doors to their respective Division offices will be locked after normal business hours. Personnel charged with the security responsibility of official files will ensure that those files are locked after normal business hours.
- D. There may be instances where a total evacuation of the LawEnforcementCenter becomes necessary. The primary consideration is for the safety of personnel.
- E. In the event of an emergency evacuation of the Law Enforcement Center, the Sheriff or his designee (Floor Warden) will confer with the Chief of Police or his designee (Floor Warden) or supervisor on duty, as to the degree of emergency and to what degree the building should be evacuated (partially or totally).
- F. The Floor Warden will notify the CommunicationsCenter. The CommunicationsCenter will then notify all other Floor Wardens when a decision is made to evacuate, and will advise the Floor Wardens as to the extent of the evacuation (partial or total).
- G. If the emergency occurs after normal office hours, the Communications Equipment Operator Supervisors from both Departments will evaluate the emergency and determine to what degree the building should be evacuated.
- H. Each supervisor or senior sworn or non-sworn personnel will ensure that all files and doors in his area are locked if possible.
- I. If an evacuation is ordered, the tunnel to City Hall will not be used.



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Effective date: February 03, 2005

- J. Evacuation of Department offices will be made as follows:
  - 1. All Bernalillo County Sheriff's Department personnel located on the first floor of the LawEnforcementCenter will exit through the nearest exit doors.
  - 2. All other Department personnel will use the stairwell and exit through the front north doors, or the west exit door.
- K. After the building is evacuated, all sworn personnel will report to the east side of the building for assignments during the emergency. If the incident is a bomb threat, then sworn personnel will report to the CivicPlaza.
- L. All other Department personnel will report to the court yard located between the Metropolitan Court and the BernalilloCountyDetentionCenter. If the evacuation is due to a bomb threat, personnel should use the Metro Court or BCDC buildings for shelter.
- M. Sworn or non-sworn personnel will abide by the emergency evacuation plans of the District Court and Metropolitan Court facilities, and will assist personnel assigned to those facilities in carrying out those plans.

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Effective date: February 03, 2005

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Effective date: May 22, 2012

### **340 DOMESTIC VIOLENCE**

It will be the policy of this Department to respond to all reports of domestic violence, provide for the safety of involved parties, and take appropriate law enforcement action as defined in current state statutes.

#### **DEFINITIONS:**

Domestic violence is defined as any incident by a household member against another household member resulting in:

- A. Physical harm
- B. Severe emotional distress
- C. Bodily injury or assault
- D. A threat causing imminent fear of bodily injury by any household member.
- E. Criminal trespass
- F. Criminal damage to property
- G. Repeatedly driving by a residence or work place
- H. Telephone harassment
- I. Stalking
- J. Harassment
- K. Harm or threatened harm to children residing in the home or residing elsewhere who would be considered a household member.

#### **HOUSEHOLD MEMBER**

Household member is a spouse, former spouse, family member including a relative, child, co-parent of a child or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member.

#### **PETITIONER**

The person requesting the Family Protection Order.

#### **RESPONDENT**

The offender named in a Family Protection Order.

#### **FAMILY PROTECTION ORDER**

An order granted for the protection of victims of domestic

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abuse. Also, may be called a "Domestic Violence Order" or DVO.

These orders indicate the court decisions regarding the incident, and specifically describe the acts the court has ordered the respondent (or offender) to do or refrain from doing. These orders may be served by any law enforcement officer, and any law enforcement officer may make an arrest on the basis of the order provided they have probable cause to believe that the order has been violated.

**RULES AND PROCEDURES:**

**340-1 DOMESTIC VIOLENCE**

- A. Deputies who are dispatched to Domestic Violence calls will take whatever steps are reasonably necessary to protect the victim from further domestic abuse.
- B. Deputies shall advise victims of Domestic Violence of the remedies available under the Family Violence Protection Act (40-13-1 to 40-13-7 NMSA 1978), the right to file a written statement or request for an arrest warrant and the availability of domestic violence shelters, medical care, counseling and other services.
- C. If requested, provide for or arrange for transportation of the victim to a medical facility or place of shelter.
  - 1. Personnel may request the assistance of CSAs in transporting victims when they are available.
  - 2. Personnel will also assist the Albuquerque Police Department in transporting victims of Domestic Violence to locations in the EastMountain area, or other County locations outside of the city limits.
- D. If requested by the petitioner, Deputies will accompany the victim to their residence to remove clothing and personal effects required for immediate needs and the clothing and personal effects of any children then in the care of the victim.
- E. Upon request of the petitioner, assist in placing the petitioner in possession of the dwelling or premises or otherwise assist in execution or service of the order of protection.
- F. Arrest of the abusing household member is mandatory when the deputy has probable cause to believe that a battery has been committed upon a family or household member when appropriate and in accordance with present state law.
- G. Advise the victim, when appropriate, of the procedure for initiating proceedings under the Family Violence Protection Act or under criminal statutes if applicable, and of the

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importance of preserving evidence.

- H. Any law enforcement officer responding to the request for assistance under the Family Violence Protection act is immune from civil liability to the extent allowed by law.
- I. Personnel will complete an Initial Offense Report on every incident of domestic disturbance they are dispatched to, regardless of whether or not an injury was sustained, an assault was committed, or enforcement action was taken.
  - 1. The incident will be defined by listing the actual offense followed by a slash mark then, "Domestic Violence".
- J. The Department will provide each Deputy with several "Domestic Violence Packets" which will contain all the necessary information that a victim will need to guide them in the process of filing for a Family Protection Order.
- K. Department personnel will provide victims of domestic violence with a "Domestic Violence Packet" and will direct them in the steps necessary to obtain a Family Protection Order.

**340-2 RELEASE AND NOTIFICATION PROCEDURES FOR DOMESTIC VIOLENCE CALLS**

- A. When an offender in a domestic violence incident is being released from custody, it is the responsibility of the holding facility to inform the arresting agency of the impending release. The arresting agency must then inform the victim that the offender is being released, pursuant to 40-13-7 NMSA.
- B. In order to comply with the above requirement the following steps will be followed by Department personnel:
  - 1. The initial Deputy making an arrest at a domestic violence call will obtain the call "**ID**" number from the CEO. This number will be written on the DV notification card and given to the victim. The notification ID consists of two parts - the agency number and the incident number for the arresting agency.
  - 2. The initial Deputy will use the Victim Notification Information Worksheet to capture information essential to the notification process. The Deputy will ask the victim for, and record contact names and associated contact information that can be used to notify the victim when the offender is released from custody.
  - 3. The Deputy will advise the victim that they can call the phone number on the card if the victim wishes to provide additional contact information in the future.



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4. The initial Deputy will advise the booking officer at MDC that this is a domestic violence case, and will include the "ID" number in the facts of arrest section. They will then advise the booking officer that our Communications Center must be notified prior to the release of the offender.
5. The initial Deputy will notify the Communications Center of the contact number where the victim wishes to be notified before they leave the booking area.
6. The Deputy first writes the Notification ID number on the criminal complaint. The criminal complaint is then completed in accordance with SOP.
7. Upon completion of the Victim Notification Information Worksheet, the Deputy calls the New Mexico Offender Release Notification Center (768-CARE), reporting the contact information collected. This call should be made on-scene or as soon as possible.
  - a. If the offender has been arrested, the Deputy should call in the Victim Contact Information prior to completion of the booking.
  - b. If the offender is transported from the scene and cited without booking (e.g., medical refusal by the corrections facility), the Deputy should call in the Victim Contact Information prior to the Offender's release.
  - c. If a Domestic Violence Warrant or Domestic Violence Summons is issued, the Deputy should call the Victim Contact Information prior to end of shift.
  - d. If the victim refused to provide Victim Contact Information, the Deputy should still call the New Mexico Offender Release Notification Center and report:
    1. That the victim refused to provide Victim Contact Information.
    2. Any information in the Uniform Incident Report that might be helpful in notifying the victim should be entered.
8. Victim Contact Information provided by the victim is confidential and should not be released to the public. The Deputy should take special care not to collect or report Victim Contact Information in the presence of the offender. The Victim Contact Information should also be excluded from the Uniform Incident Report, since the contents of the report (associated documents) become public record and could potentially reveal the victim's

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location.

9. After the notification center has been contacted, the notification work sheet will be shredded or destroyed.
10. If the offender is transported from the scene, and cited without booking (e.g., medical refusal by the corrections facility) prior to releasing the offender, the Deputy is responsible for having the Communications Center contact the victim.
11. The Deputy should transfer the notification identification number from the criminal complaint, domestic violence warrant, or court summons to the pre-booking slip prior to booking the offender.

**340-3 RELEASE OF OFFENDER**

- A. Personnel at BCDC will contact the Sheriff's Department Radio Room when the offender is being released and provide this appropriate "CAD" number.
- B. Sheriff's Department Radio Room personnel will reference the correct telephone number for the victim and will make three (3) attempts to contact them. The first attempt should be made within thirty (30) minutes of our notification. All three attempts should be made within the first two hours after notification has been received.
- C. CEO personnel will log all attempts to notify the victim in the "CAD" computer.
- D. In cases where the victim does not have a telephone, a Deputy will be dispatched one time to make notification of the offenders release. If the victim has moved to a location outside of our normal patrol area, the law enforcement agency having primary patrol responsibility for the area will be contacted and requested to make notification.
- E. The victims contact number or location will not be given to anyone other than law enforcement personnel.

**340-4 SERVICE OF FAMILY PROTECTION ORDERS**

- A. Family Protection Orders will be entered into the Departments computer system, and will include an expiration date and information on whether or not the order has been served.
- B. A copy of the order will be maintained in the Warrants Section and will be referred to for verification purposes.
- C. Arrests for violation of a Family Protection Order may be made after verification of service.

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- D. If Deputies arrive at the scene of a domestic disturbance and discover that a violation of a protection order has occurred, (and are able to verify service of a Family Protection Order), an immediate arrest shall be made.
  - 1. A subject who violates a Family Protection Order does not have to be at the scene of the offense for them to be arrested.
- E. If personnel are at the scene of a domestic disturbance, and the victim states that a protection order has been filed but not served, Deputies may then serve the petitioners copy to the respondent. The respondent shall be permitted to comply with the order and, if this is not done, an immediate arrest shall be made.

See Also "Domestic Violence Restraining Order" in the Civil process section SOP.

### **340-5 EMERGENCY ORDERS OF PROTECTION**

#### **DEFINITIONS:**

Emergency Orders of Protection (EOP's) are domestic violence emergency orders that deputies can get issued outside the normal operational hours of District Court. The orders can be obtained telephonically from an on-call District Court Judge between the hours of 1700 hours Friday through 1700 Sunday. They can only be obtained on Holidays that are in conjunction with a weekend. An EOP is good for only 72 hours from the date and time of issuance, or by 5 PM on the first full judicial business day, whichever comes later. This means, for example, if a deputy obtained an EOP on Thanksgiving Thursday, The EOP will still be in force until 5 PM on Monday, since the court will be closed for four days. This is to ensure that a victim maintains emergency protection until they have the opportunity to go to District Court on a full judicial business day. If a domestic violence victim needs protection for a longer period of time, they must make their request personally to the District Court Domestic Violence Office.

#### **RULES AND PROCEDURES:**

- A. Deputies will determine if an Emergency Order of Protection is appropriate based upon the following criteria:
  - 1. Probable cause exists that domestic abuse has occurred.
  - 2. Victim(s) wants an order of protection issued.
  - 3. Victim and/or children are in danger of, or believe there is a danger of another act of domestic violence.
- B. If the above criteria exists, deputies need to complete

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numbers 1 through 4 on the Application for Emergency Order of Protection.

- C. Deputies must contact a District Court Judge for approval of the EOP.
  - 1. A District Court Judge is on-call every weekend and can be contacted at pager 251-4009 or cell phone 249-1786.
  - 2. Deputies must provide the Judge with a brief description of the facts surrounding the incident and provide facts as to why the EOP should be approved.
  - 3. If the Judge denies the EOP, deputies must indicate in their report the name of the Judge and the reason for the denial. The incomplete application need not be saved in this instance.
- D. After approval by a Judge, deputies need to complete numbers 7 through 9 on the application indicating the Judge's approval. Deputies should circle on the application in number 9, the manner by which they obtained approval. EOPs must be signed off on by a supervisor prior to being submitted to the Court. Where the application calls for the deputy's badge number, deputies should use their four-character alpha-numeric man number.
- E. EOPs are to be distributed as follows:
  - 1. If the offender is present at the scene, deputies are to complete the Proof of Service portion of the application and serve the offender with the pink copy.
  - 2. The yellow copy is given to the victim.
  - 3. The white (top page) is the court original and must be attached as the top page of the deputy's offense/incident report for DA Liaison's distribution. DA Liaison will separate the original of the application from the deputy's report and place it in the Victim's Assistance Unit's box on the 5<sup>th</sup> floor of Headquarters outside the Chief of Police's Office. Employees of the District Court Domestic Violence office will retrieve the original from this box and take it to District Court. The Domestic Violence office has to have all EOPs by noon on Tuesday.
  - 4. The goldenrod copy of the application should be affixed to the deputy's offense/incident report for departmental documentation.
  - 5. If the offender has fled/left prior to the deputy's arrival and cannot be served, the offender's copy of the EOP shall be left with the victim so that the offender can be served when and if he returns.

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- F. A copy of the EOP must be faxed to Warrants at 768-4183 as soon as possible, but no later than the end of the deputy's shift so that the EOP and/or Proof of Service can be verified later by any other deputy or agency. This will assist others in knowing if service was completed or needs to be completed. Deputies shall include in their offense/incident report the fact that the order was faxed to Warrants. It is also recommended that deputies call Warrants to ascertain if they received the fax.
- G. If you are a deputy responding to a call where an EOP has already been issued and the offender is present, but has not yet been served, do the following:
  - 1. Obtain the pink copy from the victim and serve the offender.
  - 2. Complete a regular departmental Return of Service Form.
  - 3. Fax a copy of the Return of Service to Warrants as soon as possible, but not later than the end of the deputy's shift, in order that proof of service may be later verified by another deputy or agency. As previously stated, it is recommended that the deputy call Warrants to confirm receipt of the Return of Service.
  - 4. Deputies must attach the Return of Service as the top page of their offense/incident report for DA Liaison's distribution. DA Liaison will separate the Return of Service from the offense/incident report and place it in the box as outlined in E,3.
  - 5. If the responding deputy learns that the call is just a follow-up to the original call, and there has not been another instance of domestic violence/abuse, all the deputy needs do is serve the offender, complete a Return of Service, and document the information on a supplementary report if the deputy is able to obtain the original CAD number. Subsections 1,2,3, and 4 (as it relates to report distribution) of this section still apply.
- H. Deputies should proceed with criminal charges and/or arrests as they normally would in any other domestic violence situation. EOPs are just as enforceable as any other domestic violence order, and violations are to be handled in the same manner as booking on a Temporary or Extended Order of Protection.
- I. All other applicable procedures relating to Domestic Violence also apply to EOPs.

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### **341 VICTIM/WITNESS ASSISTANCE**

The Department shall provide assistance to victims and witnesses of crime in cooperation with other state and local agencies and as provided for by state and local law.

#### **RULES AND PROCEDURES:**

#### **341-1 CONFIDENTIALITY**

The confidentiality of victims and witnesses will be maintained and their role in case development will be kept confidential to the extent consistent with applicable law.

#### **341-2 INFORMATION TO BE PROVIDED TO VICTIMS AND WITNESSES**

- A. At the time the initial/preliminary investigation is conducted, the primary Deputy will provide the following information to the victim(s) and witnesses:
  1. In all cases:
    - a. The Deputy's business card with the Incident Number (CAD) indicated on the card.
    - b. Emergency and Non-emergency phone numbers available 24 hours a day:  
  
\*Sheriff's Emergency Dispatch (911)  
\*Sheriff's Non-emergency Dispatch (768-4160)
    - c. Sheriff's case follow-up information (Criminal Investigations Division, or Sub-stations)
  2. A Domestic Violence Packet, as outlined in the Domestic Violence section of this manual.
  3. A number to call to report any additional information and/or to receive follow-up information about a case, i.e., Substation or Criminal Investigations Division.
  4. The District Attorney's Victim Witness Assistance Program number (841-7020) for victims of violent crimes. The advocates can provide comprehensive victim assistance which includes emotional support, criminal justice information, assistance in filing Crime Victims Reparation applications for medical, funeral, and psychological counseling expenses, notification and support for next-of-kin, referrals and crisis intervention.
  5. If there are no leads at the time of the preliminary investigation, and the initial Deputy is closing the case, pending further leads, Deputies shall advise the victim of that fact so as to not give false hope to the



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victim.

### **341-3 FOLLOW-UP INVESTIGATIONS**

- A. If a Deputy or detective conducts a follow-up investigation the following information will be provided to the victim/witness either verbally or by using handout material:
  - 1. Update on case status.
  - 2. Explanation of process involved in prosecution of their case and their role in prosecution.
  - 3. Any additional requirements imposed on the victim/witness i.e., attending line-ups, interviews, etc.
  - 4. Means by which property taken as evidence may be returned and the times and location for the return of this property, if applicable.
  - 5. Availability of District Attorney Victim/Witness Assistance Program.

### **341-4 RESPONSE TO THREATS OR INTIMIDATION OF VICTIM/WITNESSES**

- A. Victims and witnesses will be advised to notify the Sheriff's Department immediately, any time they are threatened or intimidated. Appropriate assistance will be provided to any victim/witness including, but not limited to:
  - 1. Advising the victim/witness on procedures and process for reporting, filing, and prosecuting intimidation of a witness/victim, as outlined in N.M. State Statute 30-24-3.
  - 2. Initiating the appropriate investigation.
  - 3. Advising the victim/witness of any additional services available.
- B. Deputies will inform other agencies of threats or intimidation of a victim/witness, if necessary, when the victim/witness or suspect is located in a different jurisdiction.

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### **342 RUNAWAY/MISSING PERSONS**

The department shall investigate all missing/runaway juveniles reports and all missing reports.

#### **RULES AND PROCEDURES:**

#### **342-1 MISSING PERSON REPORTS**

- A. When a missing person report is taken, it will be the initiating Deputies responsibility to complete the proper missing person packet in its entirety and enter the missing person into NCIC. Documentation supporting the conditions under which the person is declared missing will be included in the original report. All missing person's reports must have a NIC number and staff review technician's name and or PDID number, and time of entry documented on the initial report.
- B. On all missing persons reports, a written statement is required from a parent, legal guardian, next of kin, caretaker, or other authoritative source and MUST be submitted along with the initial report.
  - 1. If a missing person has a physical and/or mental disability, a written statement documenting the missing person's condition is required from the reporting party and MUST be submitted along with the initial report.
- C. Deputies will notify their immediate supervisor of the missing persons report. A copy will be provided to the Sergeant upon completion. Sergeants will ensure copies of all missing persons reports are delivered to the Missing Persons Unit at the end of each shift. Missing person reports cannot be held until the next shift.
- D. If at any time a Deputy is notified of the return or located a person classified in NCIC as a "missing person," a supplemental report will be completed and the subject removed from NCIC. The Deputy must include the NIC number assigned to the missing person on the supplemental as well as the staff review technician's identity and or PDID number and the time staff review was notified. Copies of all supplemental reports will be provided to the sergeant for delivery to the Missing Person's Unit at the end of each shift.
- E. In the event that you make an arrest, come into contact with either a living or deceased individual who has been identified a NCIC check has to be completed. If the individual returns with an NCIC hit for a "missing person," a supplemental report must be completed as specified in subsection E, and a copy provided to the Sergeant prior to the end of shift.

#### **342-2 MISSING PERSON INVESTIGATION**

- A. The Field Services Division will be responsible for the initial

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investigation of all cases involving individuals who are 18 years of age or older or are classified as "emancipated" by State Statute.

- B. When a Juvenile twelve (12) years of age or younger is reported as missing or a runaway, the on-call CID Supervisor must be notified immediately. The on-call CID Sergeant will determine if the call will be handled as an abduction. If so refer to SOP procedures defined in Section 326.
- C. When a Deputy takes missing person report, it will be the responsibility of the initiating Deputy to properly and thoroughly determine the circumstances (voluntary/undetermined/medical related or involuntary etc.) under which the person is missing and to include all pertinent facts in a complete initial report. In every incident below a photograph of the missing person will be emailed to [missing@bernco.gov](mailto:missing@bernco.gov) as soon as possible.
  - 1. **Voluntary Missing** - If a responding field Deputy determines the reported missing person has left on their own accord, and there is no evidence suggesting foul play or unusual circumstances, the Deputy will complete the initial report, missing person's packet, NCIC entry and initiate an Attempt To Locate (ATL) broadcast. A copy of this report will be provided to the immediate supervisor for delivery to the Missing Person's Unit.
  - 2. **Undetermined Missing** - If a responding field Deputy determines there is no evidence of foul play, and the circumstances of a person's whereabouts are unknown, the Deputy will follow the same procedures spelled out in the Voluntary Missing person's category.
  - 3. **Medical Related** - If a responding field Deputy determines and individual has been reported missing and they have a verifiable medical related issue that would deem the person's physical safety is in danger, the Deputy must brief the field Sergeant and on scene Deputies/Supervisors will ensure the following is initiated immediately:
    - a) Respond promptly to the scene
    - b) Interview reporting party and obtain initial descriptive information and medical history. Obtain current photo of the missing person if available.
    - c) Request additional units and initiate a thorough search of the area to include the home, vehicles, outbuildings, immediate neighborhood, ditches etc.
    - d) Advise Communications of the information collected, including last known location and time of last sighting. Request an ATL and a county-wide broadcast of the information.

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e) Enter the subject into NCIC as soon as possible. The missing person's diagnosed with **Alzheimer's disease** must be **flagged NCIC as ENDANGERED/MISSING** according to State Statue 29-15-2.

1. If the missing person is an Alzheimer's/Endangered - the CID on call Sergeant **must** be notified.

f) Conduct interviews with potential witness and assure the field Sergeant is consistently updated with new or changing information.

4. **Involuntary Missing** - If the responding Deputy determines a juvenile may be the victim of foul play, they must provide the field Sergeant with sufficient information deeming this an "Involuntary Missing Juvenile ." If there is a crime scene it must be immediately secured and the information gathering process started according to SOP section 323. On call CID Sergeant must be notified. All involuntary missing juveniles will be handled in accordance with SOP Section 326.

5. **Custodial Interference** - if the responding Deputy determines that one guardian has taken a child away from another guardian with the intent to permanently deprive them of custody or visitation, the on call CID Sergeant must be notified immediately. The initial Deputy should retrieve all custody paperwork and broadcast an ATL in an attempt to recover the child as soon as possible.

D. The Criminal Investigations Division/Missing Persons Unit investigator will have the final responsibility of all missing persons reports in which the missing person has not been located by the end of the initiating Deputies shift and any follow up contact with reporting persons if needed.

E. Sergeants will ensure copies of all missing person/runaway reports are delivered to the Missing Persons Unit at the end of each shift.

### **342-3 LOCAL, IN STATE, AND OUT OF STATE RUNAWAYS**

#### **LOCAL AND IN STATE RUNAWAYS**

A. Deputies can detain these runaways, but cannot place them in the Juvenile Justice Detention Center. Deputies encountering such runaway juveniles should attempt to notify the parents or legal guardians. If located the juveniles should be returned to their legal guardians and a supplemental report completed removing such juvenile from runaway status and proper notification made to Staff Review. If the juvenile has run away from a group home

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such as Amistad or New Day, they must be returned to the center from which they were reported as missing. All NIC numbers relating to the runaway juvenile will be noted on the supplemental report.

- B. If contact cannot be made with the parents or legal guardians, group homes such as Amistad and New Day should be contacted for possible placement. A supplement report will be made documenting such recovery and placement of juveniles. ALL NIC numbers relating to the juvenile will be listed on the supplemental report and the juvenile removed from missing status with Staff Review.

**342-4 OUT OF STATE RUNAWAYS**

Out state runaways taken into custody by the authority of an out of state law enforcement agency teletype can be taken and booked into the Juvenile Detention Center. JJDC will detain the juvenile for a reasonable period of time until the parent (s) or guardian (s) of the runaway are notified and arrive to take custody of such listed juvenile.

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### **343 DESTRUCTION OF ANIMALS**

Sworn personnel shall be allowed to use physical means to end the needless suffering of injured animals encountered during the performance of their duties.

#### **DEFINITIONS:**

##### **DESTRUCTION**

Intentionally ending the life of an animal through the use of an approved use of force.

#### **RULES AND PROCEDURES:**

##### **343-1 DESTRUCTION OF ANIMALS**

- A. Sworn personnel may destroy animals which are harming or are attempting to harm either the personnel, another personnel or a civilian. The personnel may do so immediately and is not required to obtain permission from a supervisor.
- B. In the event a sworn personnel encounters an injured animal every attempt shall be made to obtain medical treatment for that injured animal.
- C. In the event that all efforts to obtain medical treatment fail, the sworn personnel must contact their supervisor and inform them that contact has been made with a severely injured animal.
- D. No animal is to be destroyed without the permission of a supervisor unless the animal is attacking or injuring a sworn personnel or civilian.
- E. If a sworn personnel uses a firearm to destroy an animal the personnel shall first confirm that the target is in a safe region. The personnel shall check the background and the surface to ensure that the projectile will strike only the injured animal. If the personnel cannot ensure that a firearm can safely be used to destroy the animal, they are not to utilize a firearm.
- F. In the event that a sworn personnel is forced to destroy an animal, animal control will be notified so that the remains can be moved in a proper and expedient manner.
- G. Sworn personnel who use force to destroy an animal are to complete a written report prior to the end of the shift detailing the events leading up to the destruction of the animal, and notify the Internal Affairs Unit.

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### **344 MUTUAL AID AND JURISDICTIONAL ISSUES**

The Department shall provide assistance to any agency requesting assistance as resources and safety considerations allow.

Any assistance rendered will remain consistent with established Departmental guidelines.

#### **RULES AND PROCEDURES:**

##### **344-1 MUTUAL AID**

- A. All requests for assistance by another agency will be forwarded to the Watch Commander or appropriate supervisor for review.
- B. Departmental resources and immediate safety issues will be considered prior to granting assistance. If assistance is rendered, a supervisor will be designated to oversee the Departments involvement.
- C. Should this Department request assistance from another agency the following guidelines will be followed:
  1. A supervisor must authorize the request for assistance.
  2. Departmental resources will be exhausted or a safety issue will need to be present prior to requesting assistance.
  3. A liaison officer will be designated from this Department and the other agency to provide coordination of effort. The liaison officers should remain at the designated command post.
  4. Relief for Deputies or officers on scene will be provided for by the designated liaison officer. This will be accomplished in conjunction with the overall incident Commander.
  5. Personnel from different agencies may be integrated on a needed basis.
- D. If the request for assistance is in reference to a vehicle pursuit, refer to the Department policy on mutual aid and jurisdictional issues.

##### **344-2 JURISDICTION**

- A. Unless otherwise directed by a Department supervisor, all incident scenes that personnel are in physical control of will be considered to be within the Sheriff's Department jurisdiction.

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- B. Containment and preservation of an incident location will be maintained until relieved by a Departmental supervisor.

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**345 INTERVIEW ROOMS, TEMPORARY DETENTION AND TESTING ROOM PROTOCOL**

**PURPOSE**

The purpose of this SOP is to establish procedures and protocol when using rooms designed for witness/suspect interviews, testing such as Intoxilyzer, and temporary detention.

**POLICY**

The Bernalillo County Sheriff's Department will ensure the safety of all personnel, witnesses, suspects, and arrestees that enter any of the rooms or areas designed for the above purposes.

**SCOPE**

This SOP is applicable to all sworn and non-sworn personnel who utilize the interview rooms, Intoxilyzer rooms, or temporary detention areas such as in the BAT. All such areas will be inspected, at a minimum, on a weekly basis, for cleanliness and safe conditions by the applicable supervisor or designee. The inspection will be noted on the log sheet that is maintained outside each room. An administrative review of the procedures and use of these rooms will be completed at least every three years.

**DEFINITION:**

**TEMPORARY DETENTION ROOM:** Any room that has a locking mechanism which would allow you to lock the detainee, suspect, or witness in the room. This includes all interview rooms located at the substations and at criminal investigations.

**345-1 PROCEDURES WEAPON CONTROL**

- A. When in an interview room with an arrestee, suspect, or a person who could possibly evolve into a suspect, all firearms shall be secured in the provided lock boxes prior to entry into the room.
- B. All other weapons to include any knives, expandable batons, OC spray and Tasers will be secured on the personnel by normal means such as on their duty belt.

**345-2 SECURITY CONCERNS**

- A. The areas should be considered a safe and secure environment. It is the interviewer's or deputy's responsibility to search the room for any contraband/weapons prior to placing the subject inside and also at the conclusion of the interview/test/detention.
- B. It is the interviewer's responsibility to ensure the arrestee, suspect, or person who could possibly evolve into a suspect IS SEARCHED prior to placing the individuals into the interview room.

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- C. It is the responsibility of the interviewer or deputy to ensure that the arrestee, suspect, or person who could possibly evolve into a suspect will be monitored at all times to prevent harm to the arrestee, suspect or department personnel as well as prevent escape of the arrestee. At no time will the subject be left unattended.
- D. The interviewer will ensure the arrestee, suspect or person who could possibly evolve into a suspect will be kept in the interview room or detention area only for the length of time necessary to complete the interview and/or obtain the official statement, necessary testing or paperwork.
- E. The arrestee, suspect or person who could possibly evolve into a suspect that poses a threat to themselves or others will be restrained as soon as possible and transferred to the proper facility.
- F. The detainee or arrestee will not be secured to a fixed object.
- G. Personnel using the interview, Intoxilyzer or temporary detention rooms shall note the fire escape plans for the appropriate building they are in and will relocate their detainee/arrestee to a secure area such as a patrol vehicle away from the building should a fire occur. Fire suppression mechanisms such as fire extinguishers and/or fire sprinklers are available at all locations. Fire prevention will be accomplished by ensuring detainees/arrestees and witnesses do not bring flammables such as lighters, matches or flammable liquids into these areas.

**345-3 PERSONNEL**

- A. The number of personnel allowed to enter the interview room during the interview of the arrestee, suspect or person who could possibly evolve into a suspect will be limited to two (2). This will not preclude others from entering the room to provide additional information, take photographs or provide for the collection of evidence.
- B. It is the responsibility of the interviewer or deputy to complete the log and document the reason, date, and time in and out of the temporary detention room (interview room).
- C. It is the responsibility of the interviewer or deputy to authorize access to the interview room and detainee/arrestee if the situation warrants it. For example, if a juvenile requests their parent/guardian or if counsel is present the interviewer or deputy must ensure continued safety and security of the room and the detainee/arrestee.

**345-4 METHODS OF SUMMONING ASSISTANCE**

- A. When immediate response for assistance is required, and

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interviewer can call for assistance from those viewing the interview from a another room via monitors or the deputy will utilize their emergency button on their radio if necessary.

- B. For safety purposes, during the interview of an arrestee, or a person who is being interrogated in a custodial setting, two Detectives/Deputies should be present in the interview room at all times. When a second Detective/Deputy is not available, the interviewing Detective/Deputy must notify another sworn member of the interview and will ensure the interview is being viewed by this second sworn member via a monitor from the viewing room.

#### **345-5 EQUIPMENT OR ITEMS TO BE KEPT IN INTERVIEW ROOM AREA**

- A. The interview rooms should contain, at minimum; three chairs and instruments needed to document the interview (paper, pens, pencils, etc.). Additional equipment may be brought into the interview room as needed, such as a laptop computer, camera, etc.

#### **345-6 ACCESS TO RESTROOMS, WATER, OR COMFORT BREAKS**

- A. Interviewees or arrestees will be provided access to water, restrooms, and other needs that may arise during the interview or detention. It will be the responsibility of the interviewer or deputy to ensure the interviewee/arrestee is monitored during these times. It will be the responsibility of the interviewer/deputy to document such actions.
- B. The interviewers need to be cognizant of the time elapsed during an interview to ensure the interviewee's restroom needs and other breaks are being met.
- C. Meals are not provided during temporary detention as the detainee or arrestee is not detained for a period long enough to warrant a meal. If extenuating circumstances exist then the detainee should be given appropriate nourishment and this should be documented in the offense/incident report or investigative supplemental report.

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### **346 RIDE-ALONG PROGRAM**

The Department shall provide members of the community with an opportunity to observe law enforcement operations. The purpose of the program is to maintain community support for the Department by providing citizens with the realization that the Department is effectively serving the community. The program provides "Ride-Along" for citizens simply interested in the Department's operations, as well as Ride-Along for Sheriff's Reserves/ Rangers/Volunteers/Cadets, civilian employees of the Department and county, and local college, university interns, and other educational institutions. It is the Department's, and therefore the assigned Deputies, responsibility to take reasonable precautionary measures to protect the safety of persons in the Ride-Along Program. The Sheriff, or his designee, reserves the right to deny the application.

#### **DEFINITIONS:**

##### **INTERESTED CITIZEN**

Any approved private citizen who desires to Ride-Along with a Sheriff's Deputy to observe the everyday operations of the Sheriff's Department. This may include local residents, out-of-town residents, and law enforcement officers from other agencies.

##### **BERNALILLO COUNTY SHERIFF'S RESERVES/RANGERS/VOLUNTEER PROGRAM**

Members of the Bernalillo County Sheriff's Department Reserves/Rangers/ Volunteer Program may participate in the Ride-Along program on a predetermined basis as a function of the Reserves/Rangers/Volunteer Program.

##### **DEPARTMENT EMPLOYEES**

Employees of the Sheriff's Department involved in civilian support services may be placed into training or orientation Ride-Along Programs.

##### **EDUCATIONAL RELATED RIDE-ALONG PROGRAMS**

All State, local community colleges, universities and other educational institutions who conduct intern educational programs for law enforcement as a part of course work and who acts as a sponsor for the event.

##### **FAMILY MEMBERS OR ACQUAINTANCES**

Members of a Deputy's family (relatives) or acquaintances shall be allowed to participate in the Ride-Along Program with the approval of the appropriate Division Commander, however, they shall not be allowed to ride with a family member, or acquaintance, or patrol in the same area.



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**RULES AND PROCEDURES:**

**346-1 INTERESTED CITIZENS**

- A. Interested citizens who desire to participate in the Ride-Along Program shall be interviewed by the Division Commander who shall obtain an N.C.I.C. clearance, do a warrants check, obtain a copy of proof of financial responsibility/adequate personal liability insurance, (i.e., Home Owner's Insurance Policy, etc.) and approve or disapprove the application. The Home Owner's Insurance requirements are not applicable to Reserve/Rangers/Volunteers, County or Department employees, immediate family members, or individuals who are qualified to participate under the Educational Ride-Along Program.
- B. Once this phase of the process has been accomplished, the Division Commander shall ask the citizen to complete the Ride-Along Application and Waiver Forms (i.e., Hold Harmless Agreements, etc.). He or she shall then forward the forms to the Field Services Commander for further review.
- C. Each application shall be approved or disapproved after review by the Division Commander. The applicant shall have a valid reason for the Ride-Along request, have no outstanding warrants, and have no convictions for crimes that would make him or her unsuitable for the Ride-Along. For example, a history of convictions for serious felony crimes, batteries on Sheriff's Deputies or weapons charges, would be grounds for denial. The assigned Deputy shall require the interested party to read and sign the guideline copy provided to each participant.
- D. The Division Commander shall have the responsibility of keeping track of the frequency of citizen Ride-Along participants. The Field Services Division shall also keep a record of all Ride-Along Application approvals and denials (rejections).
- E. When riding, citizens shall not wear any type of clothing that would create a perception that they are employees of the Bernalillo County Sheriff's Department. This includes uniforms, baseball hats with the Sheriff's Department logo or patch, shirts with Sheriff's jargon, etc.

**346-2 RESERVES/RANGERS/VOLUNTEER PROGRAM**

Reserves/Rangers/Volunteer Ride-Along are regulated by the Sheriff's Department Standard Operating Procedures Manual. Reserves/Rangers/ Volunteers are assigned to a Deputy on a pre-scheduled basis by the Reserves/Rangers/Volunteer Coordinator.

**346-3 DEPARTMENT EMPLOYEES**

Employees of other Divisions within the Sheriff's Department or any other County departments may ride-along in a training

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capacity, however, a specific purpose for the ride-along must be included in the Ride-Along Application. Likewise, employees of other Sheriff's Department Divisions, such as Communications, may ride-along in a formally structured training program during or after on-duty status. Employees of the Sheriff's Department or other County of Bernalillo departments who wish to participate in a ride-along during business hours shall be required to receive approval from their immediate supervisor before participating in the Ride-Along Program. The employee's immediate supervisor will be required to initial the application prior to it being submitted to the Division Commander for approval. Ride-Along Applications and Waivers shall be completed, signed, and approved prior to the employee being assigned a Deputy. In some cases, these individuals may be assigned to supervisory personnel depending on the training or orientation needs as determined by the Commander. As the program becomes more formalized, a lesson plan or training objectives may be designed by the Division training section for the Deputy participating and/or the participant in the program.

**346-4 EDUCATIONAL RELATED RIDE-ALONG PROGRAMS**

Those students in a formal intern law enforcement program or in a high school sponsored program may arrange for long term Ride-Along participation with the Sheriff's Department, however, all previously mentioned provisions apply. A file shall be kept for each individual applicant and shall include the Application, Waiver/Hold Harmless Agreement, verification of a warrants check, and the name of the assigned Deputy or trainer. The file shall be maintained for three (3) years and then shall be purged in accordance with the County Retention Schedule for documents of this nature. Whenever possible, a lesson plan or objective statement shall be prepared by the involved educational institution for use by the assigned Deputy or trainer. The frequency of Ride-Along for an intern program is not limited.

**346-5 FAMILY MEMBERS OR ACQUAINTANCES**

Ride-Along shall normally be limited to one ride-along each thirty (30) days for the individual members of an officer's family or acquaintances.

**346-6 PRECAUTIONS**

In any Ride-Along situation, the primary concern of the assigned Deputy or trainer is to insure the safety of the Ride-Along and the secondary concern is the training or orientation objective. The Deputy or trainer shall restrict the exposure of the individual to hazardous situations such as armed subject calls, fights, etc. Normally, the Ride-Along will be expected to remain in the patrol car during any call unless directed otherwise by the Deputy or trainer. In the more hazardous situations, the Deputy or trainer may leave the Ride-Along at a restaurant, or other public place away from the situation, but not in a known dangerous area.

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No citizen shall be allowed to participate while carrying a weapon such as a knife or firearm. This restriction also applies to "off-duty officers" from out-of-county jurisdictions. It does not apply to officers from other agencies working an assignment in conjunction with the Sheriff's Department.

**346-7 RIDE-ALONG ACTIVITIES**

In some cases, such as the Communications Division Ride-Along Program, specific requests to Ride-Along in a certain beat or area of the County may be accommodated.

In the case of Communications Ride-Along only, the Ride-Along may be authorized to operate the radio or handy-talkie after the Deputy or trainer has determined he/she is capable of doing so with proficiency.

**346-8 RIDE-ALONG RESTRICTIONS (JUVENILE)**

Any person, who is under the age of eighteen (18) but at least sixteen (16) years of age, shall participate in the Ride-Along program pursuant to Section III, D or E, and shall be assigned to ride along with a Deputy with rank of Sergeant or above.

In addition, all items stipulated in Section III A of this S.O.P. apply and all required forms must be signed by the legally responsible parent or guardian.

Ride-Along shall wear appropriate apparel with a neat and clean appearance.

**346-9 RIDE-ALONG WAIVER**

In all categories, the Ride-Along Waiver shall be read in full by the appropriate parties and shall be signed at the bottom to acknowledge the restrictions and limitations.

In situations where the Ride-Along is a minor, his parent or guardian shall sign the waiver in the presence of a sworn personnel of the Bernalillo County Sheriff's Department. This personnel, in turn, shall sign the waiver as a witness.

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**347 FIELD TRAINING OFFICER PROGRAM**

The Bernalillo County Sheriff's Department has established and maintains a Field Training and Evaluation Program for all newly appointed sworn personnel. This program is an extension of the selection process that provides a valid, post basic training and evaluation of recruit law enforcement performance. Certified Field Training Officers serve as role models to trainees in the development of skills, knowledge, and abilities necessary for the provision of effective and efficient law enforcement.

**RULES AND PROCEDURES:**

The Field Training and Evaluation Program is comprised of a complete set of rules and procedures that can be accessed by contacting the Field Services Division Commander. The following guidelines are a condensed version, and all personnel involved in the program are responsible for compliance of all rules and procedures.

**347-1 FIELD TRAINING OFFICER RESPONSIBILITIES**

- A. The Field Training Officer (F.T.O.) shall be a sworn Deputy who has met and maintained all posted qualifications for the F.T.O. Program.
- B. The F.T.O. shall be responsible for the training and evaluation of the trainee assigned by the F.T.O. Command staff.
- C. The F.T.O. is the essential means by which goals of the program are achieved, specifically the production of a law enforcement officer capable of working in a solo assignment in a safe, skillful, productive, and professional manner.
- D. The F.T.O. has two primary duties;
  - 1. That of a Deputy assuming full district responsibility.
  - 2. That of a trainer and evaluator of the assigned trainee.
- E. The F.T.O. shall submit daily evaluation reports, and will discuss the evaluation report with the trainee daily. This will develop strengths and correct deficiencies.
- F. The F.T.O. will be responsible for observing any training problems or deficiencies with trainee performance, and make every effort to correct these deficiencies.
- G. The F.T.O.'s personal and professional appearance and conduct should be beyond reproach.
- H. The F.T.O. may be removed from this program for documented performance deficiencies or by the Field Training Officer Board.

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**347-2 TRAINEE/RECRUIT RESPONSIBILITIES**

- A. The trainee will be responsible for applying the skills, and knowledge learned in the basic academy to actual field situations.
- B. The trainee will follow the orders of the F.T.O. officers and supervisors.
- C. The trainee will discuss with F.T.O. personnel any problems, personal or professional, that have an effect on job performance.
- D. The trainee will accept all methods of training that are geared to improve standards and performance.

**347-3 OPERATIONAL PLAN**

- A. The Field Training and Evaluation program shall be divided into four steps, for a total of not less than 60 working days. The following documentation will be required for each of the first three steps:
  - 1. Daily observation reports submitted by the Field Training Officer. A total of sixty daily observation reports will be required before the trainee will be released from training.
  - 2. A monthly evaluation completed by the Field Training Officer.
  - 3. A monthly self-evaluation completed by the trainee.
  - 4. A monthly program evaluation completed by the trainee.

**347-4 STEP ONE (20 Working Days Duration)**

- A. During Step One, the trainee is expected to be active in learning the duties and responsibilities of a district Deputy, and should be starting to perform a portion of the less demanding tasks at the direction of the field training officer. Introduction to driving should also take place.
- B. During this period, the Field Training Officer should make evaluations of the trainee, and identify goals or weaknesses that need to be addressed.
- C. The Field Training Sergeant should meet with the Field Training Officer and trainee to ensure that progress is being made in training the cadet. Any deficiencies should be identified and performance improvement plans or extensions arranged and put into place.
- D. The Field Training Officer will complete all applicable sections of the trainee guide during this time period. The

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Field Training Sergeant will meet with the Field Training Officer to ensure that the guide is being completed in a timely manner.

**347-5 STEP TWO** (20 Working Days Duration)

- A. During Step Two, the trainee is expected to assume a larger portion of the workload with continued guidance from the Field Training Officer. The Field Training Officer will be expected to organize their patrol time in this phase to ensure that the trainee is exposed to a maximum number of calls/incidents.
- B. The trainee will be expected to drive the patrol vehicle a larger percentage of the time. As in the first phase, the Field Training Officer must identify goals and weaknesses which they observe, to ensure that they are addressed in a timely manner.
- C. Performance Improvement Plans and extensions will be arranged and placed into effect if necessary. At the end of this phase the trainee should be performing at 80 to 90 percent, and the guidebook should be 90 to 95 percent completed.
- D. The Field Training Sergeant will meet the Field Training Officer to ensure that the above requirements are being met.

**347-6 STEP THREE** (20 Working Days Duration)

- A. The trainee will assume the majority of the workload with the guidance from the Field Training Officer. This will increase in proportion during this phase so that by the end of the fourth week, the trainee is performing 100 percent of the workload with input from the Field Training Officer only on an "as needed basis".
- B. Accordingly, the trainee must be driving the patrol vehicle the majority of the time. The guidebook must be 100 percent completed by the end of the third week of this phase, and the Field Training Sergeant must meet with the Field Training Officer and trainee to ensure that all of the requirements as outlined above are completed.

**347-7 STEP FOUR** (5 Working Days Duration)

- A. The trainee will be assigned a district in a solo field performance. The Field Training Officer will ride with the trainee in street attire, and will only observe and evaluate.
- B. Daily Observation Reports will be submitted by the Field Training Officer.
- C. The Field Training Officer will prepare a final evaluation report to be submitted to the Field Training Sergeant.

**347-8 RELEASE FROM FIELD TRAINING OFFICER PROGRAM**



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- A. At the end of Step Four, the Field Training Officer and Field Training Sergeant will meet and if appropriate, a memorandum will be prepared documenting that the trainee is ready for release from the program and has met all training criteria.
- B. The trainee will be released from the Field Training Officer Program and assigned to a shift.
- C. Following release from the Field Training Officer Program, the shift supervisor where the cadet is assigned will complete quarterly evaluations for the duration of the probationary period.

**347-9 DEPUTY RE-ORIENTATION PROGRAM**

**RULES AND PROCEDURES**

Deputies within the Bernalillo County Sheriff's Department, who have been in assignments away from the Field Services patrol function (or absent from the department for other reasons for an extended period), will benefit from a re-orientation program. This would ensure that they are informed of changes in policies and procedures, as well as serving as a beneficial transition time. It is recognized that the length of time necessary to transition to the patrol function will depend on the length of time the individual was away.

To fulfill the requirements as mentioned above the following training times will be instituted as indicated for the different categories of time an individual has been absent from the patrol function.

**347- DEPUTIES RETURNING TO FIELD SERVICES PATROL FUNCTION**

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- A. Deputies returning from an assignment of less than 180 days will not be required to participate in the re-orientation program. Deputies falling into this category will be expected to familiarize themselves with any policies and procedures that have been implemented or revised.
- B. Deputies returning from a break in service of between 180 days and (1) year will be required to complete a training period for a minimum of five (5) training days. The Deputy will have an option for five (5) additional training days at the Deputy's request and/or the Shift Sergeant's request.
- C. Deputies returning from a break in service after three (3) or more years shall be required to complete a training period for a minimum of fifteen (15) training days. The Deputy will have an option for ten (10) additional training days at the Deputies request and/or the Shift Sergeant's request.

Field Training Officers for these Deputies in categories A, B, C, and D as noted above will rotate at the discretion of the shift supervisor., and upon concurrence with the FTO program coordinator. A "checklist" of what shall be covered by the Field Training Officer(s)

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will be prepared by the FTO program coordinator in conjunction with the Division Commander. The checklist will be completed in order to ensure that the Field Training Officer(s) cover the policy and procedure related areas that are most likely to have experienced change. In addition at the conclusion of the program, the Field Training Officer will forward a memorandum to the Division Commander indicating the recommendation of the Deputy for solo-duty. For the purpose of fulfilling the requirements of the Deputy Re-Orientation Program only, the FTO trainer shall have the responsibility of administrative oversight of the Deputy during this process, regardless of the Deputies seniority status.

All other matters concerning the Deputy will be conducted according to the present Field Training Officer program guidelines.

**BERNALILLO COUNTY SHERIFF'S DEPARTMENT  
FIELD TRAINING OFFICER PROGRAM  
DEPUTY RE-ORIENTATION PROGRAM**

Deputies who have been away for the Field Services Division patrol function are to meet the requirements of the re-orientation program as set forth in the rules and procedures. The following checklist must be reviewed, and the Deputy must show a knowledge of, the topics contained in the checklist. The checklist will ensure that the Field Training Officer(s) cover policy and procedure related areas that are most likely to have experienced change. In addition, at the conclusion of the program, the Field Training Officer will forward a memorandum to the Division Commander indicating the recommendation of the Deputy for solo-duty.

**INSTRUCTION FOR USE OF THE CHECKLIST**

The checklist covers areas related to equipment, communications, orientation and response, policies/rules/procedures, and officer safety. Each category contains general topics that must be reviewed. After review of each category the Field Training Officer and the Deputy must sign on the appropriate signature line. At the bottom of the checklist is an area where unusual issues that may arise, and that are not addressed in any of the categories, can be documented. The completed checklist must accompany the memorandum from the Field Training Officer to the Division Commander. Categories that require updates should be brought to the attention of the Field Training Coordinator so that the updates can be incorporated into the checklist.

**BERNALILO COUNTY SHERIFF'S DEPARTMENT  
RE-ORIENTATION CHECKLIST**

1. Equipment:
  - Changes to issued equipment - replacement criteria
  - Uniform - review S.O.P. and any new requirements

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- Vehicle maintenance and Radio shops protocols
- Ensure equipment certifications are current

DEPUTY \_\_\_\_\_

FIELD TRAINING OFFICER \_\_\_\_\_

2. Communications:

- 10-code/radio/mdt/wants & warrants
- MDT operation and names of "Super Users"
- Radio programs and operation - "I-calls" etc.

DEPUTY \_\_\_\_\_

FIELD TRAINING OFFICER \_\_\_\_\_

3. Orientation and Response:

- Review Beats - labels, patrol procedures, new developments, street names, etc.
- Code runs and Pursuit policy (review S.O.P.)
- Resources - Air support, K-9, Traffic, CID
- Amber Alert (child disappearance/kidnapping)

DEPUTY \_\_\_\_\_

FIELD TRAINING OFFICER \_\_\_\_\_

4. Policies, Rules, and Procedures:

- Reporting for Duty - particular shift customs
- Booking - latest procedures
- Reports - felony fax, mandatory at domestics, etc.
- Forms - no exchange of DWI cites, new format traffic citations, emergency restraining orders, ect.
- Court - subpoenas, overtime slips
- Administrative - payroll, holidays, vacation requests, sick leave
- Traffic Code - review
- Criminal Code - review

DEPUTY \_\_\_\_\_

FIELD TRAINING OFFICER \_\_\_\_\_

5. Officer Safety - Review:

- Known/High Risk Stops
- Building Clearances
- Physical Skills
- Use of Force - RIPP Hobble, Supervisor notification
- Transport of prisoners

DEPUTY \_\_\_\_\_

FIELD TRAINING OFFICER \_\_\_\_\_

5. Other:

DEPUTY \_\_\_\_\_

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FIELD TRAINING OFFICER \_\_\_\_\_

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### **348 CHAPLAIN**

The Department shall establish a police chaplaincy to help people in crisis or traumatic situations. The purpose being to bring comfort of the Lord to those in need, regardless of the theological persuasion of those being assisted.

#### **RULES AND PROCEDURES:**

The law enforcement chaplain may or may not be a duly sworn law enforcement officer. He is first and foremost a person of God, duly ordained and appointed as an approved and experienced non-denominational representative; apart from any police powers the chaplain may have.

#### **348-1 CHAPLAIN RESPONSIBILITIES**

- A. To assist all law enforcement officers and their families upon request, in matters within his realm.
- B. Shall not, in any way, interfere with a Deputy in the performance of duty.
- C. Must be available at all times when on duty. The Communications Department will be notified of the whereabouts of the chaplain, so he may be contacted at all times.
- D. Commissioned by the Sheriff's Department, he is, first of all, responsible to the agency. He will also be assisting the Bernalillo County Fire Department.
- E. I.D. badge will be worn at all times when on duty, within any county facility.
- F. Will be dressed appropriately as a professional, a member of the clergy, and as a representative of the Department.
- G. Possess knowledge of the correct radio procedures, and be familiar with the resource agencies of the community and how to contact and utilize them.
- H. He will not replace the clergy of the victims' religious persuasion. He shall spend as much time as necessary with those being helped, using discretion and respecting the desires of those being served.
- I. If follow-up is needed by the chaplain or someone else, it will be noted on his report.

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### **349 RECEPTION AND ASSESSMENTCENTER**

The reception and assessment center is a facility where sworn personnel may transport at-risk youth, including subjects pending charges or in custody in lieu of transporting them to the JuvenileDetentionCenter. This resource will provide intake services, a risk assessment, crisis intervention, and referral services for youth arrested or cited by law enforcement personnel for low-level criminal offenses.

In numerous instances after transporting a youth to the JuvenileDetentionCenter, the subject is then released to a parent or guardian. By utilizing the reception/assessment center, it may be closer to your patrol area and minimize the time away from your patrol area.

There are also circumstances that arise involving youth that may not have pending criminal charges but are in need of intervention services, a shelter, treatment plan, or a safe place to stay. This facility will provide the resources to assist the youth and/or the entire family.

The use of this center is solely discretionary on the deputy's part, but may provide a resource for the appropriate youth.

#### **DEFINITIONS:**

##### **YOUTH**

Children between the ages of 8 - 17.

#### **RULES AND PROCEDURES:**

##### **349-1 ELIGIBILITY FOR SERVICES**

- A. Youth taken into custody for a status offense.
- B. Youth who are alleging abuse, neglect, or domestic violence where there is a criminal investigation being conducted.
- C. Non-violent misdemeanor offenses.

##### **349-2 NON-ELIGIBLE YOUTH**

- A. Youth is charged with crimes involving violence against another person.
- B. Youth is charged with possession of a firearm.
- C. Youth is charged with Driving While Under the Influence.
- D. Youth has an outstanding warrant.
- E. Youth who has threatened or is believed to be suicidal.

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- F. Youth with a history of violent offenses.
- G. Youth on probation and is charged with a felony.
- H. Out of state runaways.
- I. Youth charged with domestic violence involving assault or battery.
- J. Uncooperative youth who is behaving in an aggressive or threatening manner.
- K. Youth presenting a medical condition that requires a higher level of medical attention. (i.e. highly intoxicated, acute mental illness, etc.)
- L. Documented gang member.

**349-3 OPERATIONAL GUIDELINES**

- A. The reception/assessment center will be utilized as an alternative to transporting eligible youth to the JuvenileDetentionCenter.
- B. The location of the facility is 2820 Ridgecrest S.E., AlbuquerqueNew Mexico, and is staffed and open 24 hours a day, 7 days a week.
- C. Personnel will complete an admission form when transporting a youth to this facility.
- D. All citations, reports, or criminal complaints will be forwarded to D.A./Metro Liaison as is customary. There will be no paperwork left with the reception facility other than the defendant's copy of a citation if applicable and the intake form.
- E. Prior to transporting a youth to the facility, personnel WILL contact the Juvenile Detention Center/Booking at 342-3720 or 342-3721. Once contact is established with JDC, you will determine the youth's eligibility status for the reception center. If the youth has any type of outstanding charges or conditions, JDC personnel will advise you of this, and you will be required to transport them to the JuvenileDetentionCenter instead of the reception center.
- F. Personnel will turn the youth over to reception center personnel and they will then be responsible for that subject.
- G. All conditions established for the transporting of prisoners will be adhered to when transporting to this facility.

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**349-4 REPORTING PROCEDURES**

- A. Once the youth has been remanded to the custody of the reception/assessment center, the facility will make the necessary contacts and forward the appropriate information to the District Attorney's Office, Juvenile Probation and Parole, and the JuvenileDetentionCenter.
- B. Personnel are still required to complete all offense/incident reports prior to the end of their duty shift.
- C. All arrest reports will still be faxed to the appropriate location as outlined in departmental policies and procedures. The Fax# for Juvenile Probation and Parole is; 841-7652. The Fax# for the Juvenile Detention facility is; 761-4217.

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**350 TRAFFIC CONTROL/DIRECTION**

**DUTIES AND RESPONSIBILITY**

- A. Deputies will at all times while engaged in traffic direction, utilize departmental issues reflective vests and/or jackets to maximize visibility to the public.
- B. Deputies will position themselves in visible and safe locations in the direction of traffic. Patrol vehicles with their emergency flashers activated may be used to maximize visibility, if conditions permit.
- C. Deputies will utilize uniform hand signals and are movements in the direction of traffic as instructed in the Basic Training Academy.
- D. During low-light or dark conditions, Deputies will utilize flashlight mounted cones in the direction of traffic.
- E. Deputies may, if necessary for the regulation and control of traffic flow, manually override the signs or signals controlling a roadway or intersection to direct traffic.

**351-1 TRAFFIC CRASH INVESTIGATIONS**

- A. All traffic crash investigations will be completed in a thorough and timely manner as to minimally inconvenience the public. In situations where a total or lengthy shutdown of the roadway is necessary (i.e. fatal or great bodily injury crash), the on scene supervisor shall coordinate with the PIO to help notify the local media to the shutdown and to possible detours.
- B. Deputies will be responsible for determining the manner and extent of traffic control necessary to safely preserve a scene to complete and investigation. Initial responding Deputies shall establish a route for traffic to continue to flow, if possible and request additional Deputies or resources if necessary.
- C. If total closure of the roadway is necessary, the on-duty supervisor shall respond to the scene and establish detours for traffic to continue to flow. Deputies will be responsible for directing traffic throughout the closure, until the roadway resumes normal traffic flow.
- D. Contact with the NMDOT OTS (Intelligent Traffic Society) may be initiated by the on duty supervisor to attempt to utilize electronic message signs along the highway to further inform the public of closures.

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**350-2 HAZ-MAT/EMERGENCY/CRITICAL INCIDENT**

- A. Initial responding Deputies shall establish a large enough perimeter that ensures scene security and containment allowing for maximum protection to the public.
- B. On duty supervisors shall respond to the scene of a Haz-Mat/Emergency situation to determine if additional resources are necessary, and to plan for detours to clear and allow for traffic flow.
- C. All deputies assigned to traffic control shall adhere to the above listed duties and responsibilities.
- D. Contact with the NMDOT ITS (Intelligent Traffic Society) may be initiated by the on duty supervisor to attempt to utilize electronic message signs along the highway to further inform the public of closures.

**350-3 WEATHER CLOSURES**

- A. Roadways within the county may be restricted or closed for inclement weather conditions at the discretion of the on duty watch commander or supervisor. Upon restriction or closure, Deputies shall be posted to direct and control the flow traffic on the roadway. Detours or alternate routes of travel shall be implemented when possible.
- B. If a closure of State Highway or Interstate is deemed necessary, the on-duty supervisor shall have dispatch notify the New Mexico State Police of the closure, if possible.
- C. Emergency signage can be requested through the on duty supervisor to increase visibility and further notify the public of possible closures. Contact with the NMDOT ITS (Intelligent Traffic Society) may be initiated by the on duty supervisor to attempt to utilize electronic message signs along the highway to further inform the public of closures.

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### **351 EVACUATIONS**

The purpose of this Policy is to establish guidelines for evacuating buildings and communities due to a bomb, chemical-biological, hazardous material, fire, natural disaster, or other events that pose a significant threat.

In any emergency or threat environment, it is the policy of the Bernalillo County Sheriff's Department to determine the necessity and the means to evacuate citizens. The safety of persons, including emergency service providers is the first priority in a threatened area. It is essential that evacuations be planned and carried out systematically, efficiently and in a manner that gives primary consideration to the protection of human life.

#### **DEFINITIONS:**

##### **THREAT**

A threat in the context of this document can incorporate a wide variety of situations in which a significant segment of the public may be endangered. As examples, this includes crimes involving barricaded subjects, hostage situations, civil disturbances, natural disasters such as floods, tornadoes or hurricanes; fires on lands that threaten residences or fires that involve commercial establishments that contain chemical, petroleum, or other explosive or toxic materials; accidents involving trains or other commercial vehicles that release or threaten the release of toxic substances, explosives or other dangerous materials; the use or threatened use of conventional explosives, biological, chemical or nuclear weapons, or other means of inflicting injury and casualties over a wide area.

#### **RULES AND PROCEDURES:**

##### **351-1 INITIAL RESPONDS**

- A. The initial response will vary for each incident, depending on the threat at hand. When the initial responding units arrive on the scene of the threat, the deputies shall:
  1. Observe the situation from a safe distance and make a determination of the nature and severity of the threat and notify an immediate supervisor of the situation.
  2. Determine the scope and likely boundaries of the area in which the threat exists as well as an initial assessment of the potential need for evacuation of residences and businesses.
  3. Notify the CommunicationsCenter of all information pertinent to incident scene to include, but not limited to:

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- a. The type, nature and apparent severity of a chemical spill, accident, natural disaster, threat, hazard or related problem.
- b. The type of emergency equipment and personnel that may be required and the information on the best route for approaching the scene if safety issues exist.
- c. Additional personnel will include but not be limited to:
  1. Paramedics and fire personnel
  2. Specialty units including ERT, SWAT, TRAFFIC etc.
  3. HAZMAT units
  4. Utility personnel including water, power, gas and telephone
  5. Public Works
  6. Highway / Road Department personnel
  7. E.O.D. / Explosive Ordinance Disposal
4. Take initial steps to contain and isolate the scene of threat by:
  - a. Establishing an inner and outer perimeter to the threat area to provide a reasonable degree of safety for emergency responders and civilians.
  - b. Request that Communications secure a radio channel for the incident that is not a primary talk group.
  - c. Barring all unauthorized persons from entering the established perimeters.
  - d. Ordering all unauthorized persons to leave the inner perimeter where there is an immediate threat of death or great bodily harm.
  - e. Evacuate the areas that are in need of immediate attention. **If evacuations are deemed necessary,** a log will be maintained of evacuees, locations evacuated, and where the evacuees were directed and can be located.
5. If the incident area is contaminated with hazardous materials, substances or poses other life threatening situations, deputies shall perform the following to the extent that it does not unnecessarily risk their life or safety and subsequently render them unable to

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provide further assistance.

- a. Where possible, assist persons in leaving the hazard area.

### **351-2 OFFICER IN COMMAND**

A. The on-duty first line supervisor will immediately respond to the incident scene and assume the duties of the Incident Commander until such time as he or she is relieved by a superior officer. The supervisor shall be briefed on the situation by the deputies at the scene and take such steps as may be deemed appropriate. These steps may include the following:

1. Establish a command post in a safe location.
2. Maintain a log of the incident including designated posts for perimeter security, additional units arriving on scene, any designated assignments, and any actions and decisions made at the command post.
3. Request additional resources as necessary.
4. Notify the Immediate Chain of Command via CommunicationCenter.
5. Set up staging areas for additional resources.
6. Assign as necessary, individual deputies to oversee specific tasks and operations such as scene log, assignments, staging areas, etc.
7. Ensure that routes for traffic flow and crowd control are established and that personnel are assigned to expedite evacuations and the management of incoming emergency vehicles.
8. Ensure that all requested personnel and necessary emergency equipment and resources (such as Red Cross, Emergency Medical Services etc.) have arrived and are available at the designated staging areas.

### **351-3 EVACUATION PROCEDURES**

The decision to evacuate will be made by the B.C.S.D. Incident Commander.

- A. If it is determined that the hazard or threat will pose a serious danger to people living or working in the immediate proximity, a mass evacuation may be necessary in order to protect the people. A number of factors must be considered when deciding whether or how to evacuate an incident scene to include:

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1. The nature of the hazardous material, condition or threat (if applicable).
  2. Weather conditions, wind speed and direction, drainage.
  3. Location of the incident scene.
  4. Density of the population, housing and business involved, and nature of the affected location.
  5. Traffic patterns and routes of egress from the affected area.
  6. Means of transportation for stranded persons or the physically challenged.
  7. Suitable locations for providing temporary shelter of displaced persons (local schools, community centers, etc.).
  8. Suitable locations for providing temporary shelter for animals. (State Fairgrounds, veterinary clinics, Bernalillo County Sheriff's Posse stables, etc.).
  9. Hazards associated with evacuating versus not evacuating.
  10. If an evacuation is ordered ensure that the Red Cross has been contacted and is setting up evacuation shelters and other needed logistics.
- B. If an evacuation is deemed necessary, determine the boundaries of the evacuation effort and the order of priority - the area in the greatest degree of danger will be evacuated first.
- C. The evacuation area should be enlarged if necessary as conditions change and time permits.
- D. The Incident Commander may initiate one or a combination of four methods of evacuation.
1. Phone Evacuation - The Incident Commander can request that dispatch utilize the Emergency Preparedness Network (EPN) (reverse 911) for a designated area of evacuation if phone lines are operational in the affected area.
    - a) The CommunicationsCenter will follow the guidelines outlined in the use of Emergency Preparedness Network.

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- b) The Communications Center will supply the Incident Commander with the addresses of all people who did not receive the evacuation message from the E.P.N. call back.
- 2. Audible evacuation - (the least effective method) Will be utilized if phone service is down in the threat area.
  - a) Deputies will be assigned to drive through specific areas while using the audible siren of the police vehicle in conjunction with the public address system directing residents to evacuate.
  - b) This procedure does not allow for control of who has and has not been notified and/or evacuated.
- 3. Physical Evacuations - (the most effective) This is the most time consuming and should be initiated if phone service is not operable.
  - a) Deputies and others assigned will go door to door informing residents of the need for and means of evacuation.
  - b) Each residence will be logged if notification was not made.
  - c) A refusal to evacuate is not a violation of the law. The resident shall be warned that a refusal to evacuate may be hazardous or deadly to all occupants. The Deputy will log the name, address, time of notification and refusal.
  - d) The deputies and persons assigned shall be monitored and removed should the threat become too great to continue door-to-door evacuation.
- 4. Emergency Alert System & EPN- The Incident Commander can request that Communications utilize the Emergency Alert System to broadcast the evacuation information via the local media and/or utilize the EPN. Refer to Departmental SOP Section 352.00 for EPN guidelines.
- E. The Incident Commander can also request that the Public Information Officer have the news media utilize the Emergency Broadcast System where applicable.
- F. Inform all persons residing in the buildings, homes or neighborhoods of the situation and that an evacuation

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of the premises has been ordered.

- G. Be aware of any posted evacuation plans (such as E.A.C.C.).
- H. Assist all special needs / disabled persons out of the threat areas.
- I. Direct evacuees to designated safety zones and or evacuation shelters that have been set up by the Red Cross. The shelter area should have deputies assigned for security and assistance.
- J. Ensure that perimeter units are aware that perimeters at that point are considered secure and only necessary emergency personnel are allowed within the secure area.
- K. Request additional personnel as necessary.
- L. Special considerations should be given to locations such as schools, malls, hospitals, businesses and recreational areas where a very large number of people must be evacuated and special circumstances need to be considered.
- M. The Incident Commander is responsible for providing protection for fire and rescue personnel. Such protection may include escorting fire and rescue personnel into an affected threat area.
- N. If there is a greater hazard to the rescuers and the chance of saving lives is minimal, careful consideration should be given to recalling emergency workers back to a safe location for re-assembly and redeployment.

**351-4 POST EVACUATION PROCEDURES**

- A. Once the evacuation is complete, the incident area shall be searched thoroughly for persons who are injured or left behind.
- B. Injured persons should be moved from the incident area by Fire and Rescue personnel, if possible.
- C. In the event of mass casualties and injuries, the Incident Commander will have Communications notify the local hospitals to set up triage for mass casualties. The Incident Commander will coordinate this with the public health representative that should be at the EmergencyOperationsCenter.
- D. In order to reduce fear and maintain order, affected persons, communities and businesses should be notified as soon as appropriate that they are no longer in

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danger.

- E. Once the site has been secured and no further threat exists, investigative teams will conduct investigations as to the cause of the threat for prosecution and mitigation against future occurrences (if not of natural causes).
- F. The Incident Commander will give authorization when to open up the secure area, and allow residents to return to the evacuated locations.
- G. The Incident Commander will conduct a debriefing of all key personnel following the completion of the incident. The Incident Commander will issue a report to the Sheriff with an evaluation of the evacuation procedures, areas and perimeter security, the availability of emergency services and coordination of all services during the event.



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**352 EMERGENCY PREPAREDNESS NETWORK (REVERSE 911)**

The Department shall identify and notify a specific portion of the community/population in a specific area of an emergency situation, which requires evacuation, or sheltering in place.

The Emergency Preparedness Network (EPN) delivers a pre-recorded voice message, to telephone subscribers within a specified area where an emergency event is occurring.

**352-1 Emergency Preparedness Network Initiation (EPNI)**

A. In order to secure the integrity of the system, the event initiation should be limited to events, which may cause loss of life, loss of property, or place the citizens in a position of peril:

1. Hostage situation
2. Flood Warnings
3. Missing Persons
4. Dangerous / Wanted Fugitives
5. Wildland / Forest fires
6. Hazardous Material Spills
7. Apartment / Multi Structural Fires
8. SWAT Mobilizations
9. Local Burglary Notification
10. Injured animals at large in communities
11. Any incident / emergency declared by the Sheriff or his designee

**RULES AND PROCEDURES:**

**352-2 ORDER OF RANK - CHAIN OF COMMAND**

A. The authority to request activation of the EPN may be made by, but is not limited to, any or all of the following:

1. The Incident Commander
2. The Law Enforcement Designee

B. The Incident Commander or his Designee will participate in developing the script, which will be broadcast through the EPN network.

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- C. All decisions to utilize the EPN system, which involve more than one Public Safety organization, will be made as a collaborative effort.
- D. Once the decision has been made to utilize the EPN system, the outgoing message will not be broadcast until the appropriate resources are in place to meet any demands that result from the message being broadcast.
- E. The Incident Commander will be responsible to approve the message being broadcast.

**352-3 COMMUNICATIONS RESPONSIBILITIES**

- A. Communications will maintain a current list of personnel who are authorized to initiate an EPN transmission.
- B. When advised of an Emergency Preparedness Network activation by authorized personnel, Communications Section personnel will:
  - 1. Follow established procedures for transmission of the EPN message.
  - 2. Notify the Incident Commander with a confirmation when the message has been sent.
  - 3. Supply the Incident Commander with the addresses of all residences who did not receive the evacuation message.

**352-4 POST-INCIDENT REVIEW**

The Incident Commander or Designee will conduct a debriefing of all key personnel following the completion of the incident. The Incident Commander or Designee will issue an after-action report to the Sheriff with an evaluation of the event.

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### **353 SCHOOL RESOURCE OFFICER (SRO) UNIT**

The School Resource Officer is a uniformed officer assigned to an APS middle school or high school in the unincorporated areas of Bernalillo County on a full-time basis. The SRO will work in a problem solving partnership with school officials, students, parents, and the community. The SRO will provide a law enforcement resource aimed at reducing crimes and addressing issues that affect the safety and welfare of students, faculty, and staff personnel, on and around school campuses. Some activities will extend to feeder (elementary) schools based on circumstances and practical needs.

#### **RULES AND PROCEDURES:**

##### **353-1 VACATION DURING SCHOOL YEAR**

The School Resource Officer will be directed to take limited vacation during the school year; unless the scheduled vacation falls on a scheduled school break (i.e., winter vacation, spring break and in-service days). Other annual leave requests will be reviewed on a case by case basis and approved at the supervisor's discretion.

##### **353-2 DUTIES AND RESPONSIBILITIES**

- A. The School Resource Officer will be a visible, active law enforcement figure on campus dealing with any law enforcement related issues.
- B. Will be a classroom resource for instruction in the following areas: Gang and Drug Resistance, safety programs, crime prevention, law enforcement-related education and other areas.
- C. Work closely with school principal(s), meeting at least on a weekly basis.
- D. Act as a communication liaison with law enforcement agencies; provide basic information concerning students on campus served by the officer.
- E. Gather information regarding potential problems such as criminal activity, gang activity, student unrest, and identify particular individuals who may be a disruptive influence to the school and/or students. This information is then passed on to the appropriate school official or retained by the SRO for continued investigation.
- F. Take steps appropriate and consistent with a law enforcement officer's duty when a crime occurs.
- G. Refer students and their families to the appropriate

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- agencies for assistance when a need is determined.
- H. Refrain from functioning as a school disciplinarian.
  - I. Attend meetings of parent groups and faculty-wide in-service sessions.
  - J. Be available for conferences with students, parents and faculty members to assist with problems related to law enforcement and crime prevention.
  - K. Confer with the school administration to develop strategies to prevent or minimize dangerous situations on or near the campus.
  - L. Promote citizen awareness of law enforcement efforts on campus to ensure the peaceful operation of school related programs and build support with students.
  - M. Whenever possible, attend school functions or extracurricular school events.
  - N. File police reports as required by local agency.
  - O. Abide by school board policies, consult with and coordinate activities through the school principal.
  - P. Remain fully responsive to the chain of command of the law enforcement agency in all matters related to employment.
  - Q. SRO's are not to be assigned duties regularly assigned to school personnel such as lunchroom or hall duty. Nothing should preclude an SRO from being available in areas where interaction with students is expected.
  - R. When conducting formal police interviews on a school campus with a student, police personnel shall abide by department and school board policy concerning such interviews.

**353-3 SUMMER ASSIGNMENT / EXTENDED SCHOOL BREAKS**

During extended breaks of the officer's assigned school, the officer will report to Field Services dayshift area in which their school is located. The deputy will keep their regular days off Sat/Sun, unless other duties are arranged and approved by the Division Commander.

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**354 CRISIS INTERVENTION TEAM UNIT AND RESPONSE TO THE MENTALLY ILL/SUSPECTED MENTALLY ILL AND PEOPLE IN CRISIS**

**POLICY:**

Department shall provide an effective response to situations involving subjects who are suspected and/or verifiably mentally ill, and/or people in crisis in order to avoid unnecessary violence, and to ensure that proper medical attention is provided.

This policy is to serve as a guideline to enable deputies to identify behavior indicative of a mental illness or crisis, and to utilize Department and other resources to bring incidents involving the mentally ill and people in crisis to a desirable resolution.

**DEFINITIONS:**

**MENTAL ILLNESS**

Any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.

**GRAVE PASSIVE NEGLECT**

Failure to provide for one's basic personal needs, medical needs, or for one's own safety, to such an extent that it is likely to result in bodily harm.

**CERTIFICATION OF EVALUATION**

A document completed by a licensed physician or certified psychologist that certifies a person, as a result of a mental disorder, presents a likelihood of harm to him/herself or others and that immediate detention is necessary to prevent such harm.

**CRISIS**

Any situation in which a person's ability to cope is exceeded.

**CRISIS INTERVENTION TEAM UNIT**

Composed of Detectives with specialized training to investigate and provide resources to people in crisis who may be suffering from a defined mental illness and/or other calls of crisis not related to mental illness.

**FIELD CRISIS INTERVENTION TEAM**

Composed of Field Service Patrol Deputies that function within their patrol teams as specialists in handling calls involving mentally ill and other calls of crisis not related to mental

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illness.

#### **CRISIS INTERVENTION TEAM DATABASE**

A secure law enforcement-only information system used to provide emergency alerts, notifications, and information to law enforcement personnel. This database is used as a collection point to provide law enforcement with information about individuals who have presented themselves as an elevated risk of danger.

#### **RULES AND PROCEDURES:**

##### **354-1 HANDLING THE MENTALLY ILL/SUSPECTED MENTALLY ILL**

If the deputy determines that a subject may be mentally ill, the deputy will attempt to respond in the following manner:

- A. Ensure that backup deputies are present before taking action.
- B. If possible, try to obtain any information on the subject from family or friends.
- C. Calm the situation. Some techniques and strategies may include but are not limited to:
  1. Cease emergency lights and sirens.
  2. Disperse crowds.
  3. Assume a quiet, non-threatening manner when approaching the subject.
  4. Avoid physical contact, if possible, while assessing the situation.
  5. Move slowly, being careful not to excite the subject.
- D. Communicating with the subject. Some techniques and strategies may include but are not limited to:
  1. Provide reassurance that deputies are there to help and that appropriate care will be provided.
  2. Attempt to find out what is bothering the subject.
  3. While relating the subject's concerns, allow subject to ventilate their feelings.
  4. Do not threaten the subject with arrest or physical harm.
  5. Avoid topics, which may agitate the subject and guide the conversation towards topics that seem to ease the situation.

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6. Always be truthful; if the subject perceives deception, he/she may withdraw and further complicate the situation.

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**PROCEDURES FOR EMERGENCY MENTAL HEALTH EVALUATION**

- A. In accordance with NMSA 43-1-10, a law enforcement officer may detain a person for an emergency evaluation and care at a hospital, mental health facility, or an evaluation facility in the absence of a valid court order only if:
  1. The person is otherwise subject to arrest.
  2. The deputy has reasonable grounds to believe the person has just attempted suicide.
  3. The deputy, based on personal observation and investigation, has reasonable grounds to believe the person, as a result of a mental disorder, presents a serious threat of harming him/herself or others and immediate detention is necessary to prevent such harm.
  4. Immediately upon arrival at the evaluation facility, the deputy shall be interviewed by the admitting physician.
  5. A licensed physician or a certified psychologist has certified that the person, as a result of a mental disorder, presents likelihood to commit serious harm to him/her or others, and that immediate detention is necessary. Such certification shall constitute authority for the deputy to transport the subject.
- B. If a subject meets the criteria for an emergency mental evaluation, the deputy will arrange transportation to a facility. If possible, the deputy will, ascertain the subject's health care provider information and transport the subject to the appropriate facility. Area facilities include:
  1. University of New Mexico Mental Health - 2600 Marble Ave. NE
  2. Presbyterian Hospital - 1100 Central Ave. SE
  3. Pres-Kaseman Hospital - 8300 Constitution Ave. NE
  4. Lovelace Downtown - 601 Dr. Martin Luther King, JR Dr. NE
  5. Women's Hospital - 4701 Montgomery Blvd. NE
  6. Lovelace Westside - 10501 Golf Course Rd. NW
  7. Veterans Hospital - 1501 San Pedro SE

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- C. When a subject is taken to a mental health facility the officer shall:
  - 1. Ensure that the mental health staff have an accurate account of the incident surrounding the protective custody.
  - 2. Complete and sign an application for emergency hospitalization (Law Enforcement Referral Form).
- D. If a subject is identified as dangerous to him/herself or others, the deputy WILL guard the subject until the mental health facility will assume responsibility for the subject.
- E. If a subject is physically injured or has a pre-existing medical condition requiring attention, physical medical care needs will take priority. The subject will be transported to a hospital emergency room. The hospital will then assume responsibility for any mental health care intervention.
- F. Whenever a subject is transported to a mental health facility, this includes but is not limited to voluntary, involuntary, Certificates of Evaluation, grave passive neglect, is in crisis, or when the subject is under arrest, an Offense/Incident report shall be initiated and a copy will be forwarded to the CIT Unit.
- G. Deputies, who are provided with a Certificate of Evaluation concerning a subject, will attempt to verify the authenticity of the certificate by directly talking to the source in person or by calling the facility or doctor who issued the certificate.
- H. In the event a deputy determines that a person is suffering from mental illness or is in crisis, but does not appear to be a threat to themselves or others, deputy may request the assistance of the area assigned social case worker.
- I. When appropriate, deputies may request a Crisis Intervention Detective to assist in handling subjects requiring special consideration.
- J. When a deputy has knowledge of a prisoner who has some kind of mental illness, they will notify the Metropolitan Detention Center (MDC) medic who can then notify the Psychological Service Unit (PSU). The deputy will forward a copy of the Offense/Incident report to the CIT Unit.
- K. Deputies are encouraged to immediately forwarding a copy of an Offense/Incident report to the CIT Unit when they feel it is appropriate.

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**NON-EMERGENCY REFERRAL TO CIT DETECTIVES FOR FOLLOW UP**

- A. If a deputy determines that a person does not meet the criteria



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for an emergency mental health evaluation as outlined in section 354-2, but does exhibit behavior that is indicative of mental illness or instability, the deputy will make a referral to the CIT Unit for the appropriate assessment and follow up.

1. Document specific observation of behavior and why the deputy is concerned on an Offense/Incident Report or Crisis Intervention Team Contact Report

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2. Forward the documentation to the CIT Unit

**INTOXICATED SUBJECTS IN NEED OF MENTAL HEALTH EVALUATION**

- 354-5      A. If a subject is intoxicated and in need of a medical or mental health evaluation, he/she shall be transported to a medical emergency room pending the evaluation.

**DEPLOYMENT OF THE FIELD CRISIS INTERVENTION TEAM**

The Crisis Intervention Team is composed of Field Services Division patrol deputies that function within their patrol teams as specialists in handling calls involving the mentally ill and other calls of crisis not related to mental illness.

- A. When available, Field Crisis Intervention Team deputies will respond as primary deputies to calls that meet the following criteria:

1. Any incident when a mental illness or crisis precipitated a response by deputies
2. Any incident when a subject poses a risk to themselves or others, e.g., threatened or attempted suicide
3. Incidents involving grave passive neglect

- 354-6      B. Field CIT deputies will draw from training and experience to ensure an appropriate intervention takes place during and following a crisis response

**CRISIS INTERVENTION TEAM ORGANIZATION AND RESPONSIBILITIES**

- A. CIT Unit Sergeant is/shall:

1. Will oversee the Crisis Intervention Team Unit
2. Responsible for recruitment and training of CIT personnel
3. Responsible for consultation and liaison between CIT and mental health care providers
4. Ensure that information from Offense/Incident reports from CIT calls are entered into the database and that necessary information about high-risk subjects are appropriately disseminated to Field Services personnel through Power DMS or

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B. CIT Detectives are/shall:

1. Be required to attend and be certified in the 40-hour Crisis Intervention Team training and be on-call as the needs of the unit dictate.
2. Conduct thorough investigations on all reports assigned to them by the CIT Sergeant, to include, but not limited to, background checks, prior calls-for-service, and home visits utilizing social case workers and other agencies.
3. Assist all divisions, outside departments, citizens or family members with requests involving issues concerning individuals living with mental illness.
4. Assist in training department personnel and other entities on issues pertaining to CIT, mental illness, and proper response to those living with mental illness.
5. Maintain case files, safety bulletins, hazards and CIT database entries as needed.
6. Be a liaison for and network with, all mental health care providers.
7. Utilize social case workers when appropriate to assist with and deter future crisis for mental health consumers as identified by CIT Detectives.
8. Conduct background checks, as requested, on warrant services done by department personnel.
9. Be notified of all Mental Health Pick Up Orders to be served by the Bernalillo County Sheriff's Department.

C. Field CIT Deputies shall:

1. Be required to attend and be certified in the 40-hour Crisis Intervention Team training.
2. Respond, when available, as primary to calls in which mental illness is believed to be a factor.
3. Respond, when available, as primary to calls when a subject is in a crisis and represents a danger to him/herself or others.
4. Be responsible for the resolution of the call including any appropriate documentation.
5. Work in cooperation with CIT Detectives in an effort to

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ensure that the most appropriate intervention response occurs.

6. Be cross-dispatched to other sectors if needed. Only field supervisors may approve cross-dispatching of CIT Deputies to other area commands
7. Ensure a copy of the Offense/Incident Report initiated by him/her is forwarded to the area CIT Detective as soon as possible along with a CIT referral.

D. Patrol Deputies shall:

- a. Be responsible for the resolution of the call including any appropriate documentation when a CIT Deputy is not available.
- b. Ensure a copy of the Offense/Incident Report initiated by him/her is forwarded to the area CIT Detective as soon as possible along with a CIT referral.
  - i. Incident reports and CIT referrals are required when dealing with individuals that pose a safety concern to law enforcement officers, the public or themselves.
  - ii. CIT contact sheets are required when dealing with individuals that have multiple contacts with LEO or Fire/Rescue, or calls involving suicide threats, disturbances or consensual encounters.

354-7

E. Refresher training every three years.

**CRISIS INTERVENTION DATABASE**

**TIER SYSTEM**

The following is the criteria for the Tier category System that will be utilized to determine Officer Safety level and CIT Unit involvement. The Tier Level will be determined by the Crisis Intervention Unit based upon the individual's history and reason for CIT involvement.

**CRITERIA FOR DATABASE ENTRY**

- A. The following will be the guidelines used by the CIT Unit to determine the Tier category level assigned to an individual:
  1. Tier I: Individuals that pose a safety concern to Law Enforcement Officers (LEO), Public, or themselves. These are individuals that have an extensive violent criminal history, have made threats towards LEO and others, or have attempted suicide. A CIT Detective, if available, will respond to all calls involving a Tier I individuals. Any

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contact with an individual assigned Tier I will be reported to the area assigned CIT Detective

2. Tier II: Individuals that have multiple contacts with LEO or Fire/Rescue. A CIT referral will be generated and forwarded to the CIT Unit. CIT Detectives will do a follow up visit/interview
  3. Tier III: Calls that do not fall into Tier I or II will be classified as III. These calls can range from suicide threats, disturbance, or consensual contacts. They will be handled by Field CIT Deputies. Referrals will be forwarded to the CIT Unit for database entry
- B. Database entry will solely be handled by the Crisis Intervention Team Detective Unit. No other individuals will be allowed to add data or edit existing data within the CIT Database. The purpose of this is so that the assigned detectives are aware of any change and/or any contacts with subjects listed within the database.

Effective date: August 26, 2013

Effective date: August 26, 2013

Effective date: June 25, 2014

**355 BICYCLE PATROL UNIT**

Bicycle patrol deputies are an important component of the Field Services Division of the Bernalillo County Sheriff's Office strategy for accomplishing its enforcement objectives due to their mobility and stealth as well as their ability to facilitate a variety of law enforcement and crime prevention operations. They are also advantageous in community policing efforts

**RULES AND PROCEDURES:**

**355-1 EQUIPMENT**

- A. Sheriff bicycles are intended for and authorized to conduct the following primary deployment functions:
  1. Sheriff cyclists may be dispatched or may initiate response to calls for service in which response time is comparable to that of a motorized patrol vehicle, unless otherwise indicated by this policy.
  2. Sheriff cyclists should not normally be dispatched to initiate response to incidents in which their reduced emergency equipment capabilities (such as emergency warning devices) may present service problems or dangers. These include but are not limited to:
    - a. Traffic accidents in which a vehicle is not moveable.
    - b. High-risk felony motor vehicle stops
    - c. Situations in which lack of cover typically afforded by a motor vehicle would be harmful. Response to such situations may be permitted where exigent circumstances exist and motorized units are not readily available, or as back up where patrol vehicles are already on scene.
  3. Sheriff cyclist may be used for targeted patrol operations based on specific crimes, geographic areas or crime targets.
  4. Sheriff cyclists may be given preference where appropriate in response to the following:
    - a. Off-road emergencies, to include search and rescue, enforcement, and preventative patrol as required on trails designated for horses, walking, hiking, and biking.
    - b. Medical emergencies, if deputies proximity or response to an incident may be advantageous.

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Effective date: June 25, 2014

- c. Urban incidents in which the volume of vehicle or pedestrian traffic may inhibit the response of motor vehicles.
  - d. Special events, such as parades, festivals, fairs, and sporting events.
  - e. Demonstrations, for monitoring and controlling crowds.
  - f. Disaster situations in which movement by traditional motor vehicles is limited.
5. Sheriff Cyclists may initiate traffic stops, giving particular attention to motorist and deputy safety.
- a. Physical contact with a moving vehicle in NOT authorized unless exigent circumstances dictate.
  - b. Whenever possible driver's should be instructed to move out of the traffic lane during the duration of the stop.
  - c. Sheriff bicycles should be kept out of traffic.
  - d. Deputies are encouraged to use other available cover.
  - e. Marked patrol units should be requested where appropriate to provide emergency lighting and cover from traffic.
6. Prior to initiating bicycle patrol, deputies should inspect their equipment to ensure that it is in proper working order. If a problem is discovered that the deputy cannot fix, notice should be made to the supervisor for repair.
7. Sheriff cyclist and supervisors shall exercise discretion in determining whether or not to use a bicycle on patrol when excessively high or low temperatures or other weather conditions may make the use of bicycles inadvisable or hazardous.
8. When patrolling at night, unless employing stealth, sheriff cyclist will use legally mandated lights and reflective equipment.
9. While patrolling on sidewalks, sheriff cyclists must be alert to pedestrians, recognizing that they have the right of way. Whenever possible, deputies should give an audible warning of their approach from the rear, and maintain reasonable speeds and exercise caution on sidewalks.
10. Whenever possible, sheriff cyclists shall notify communications of all potential enforcement contacts, to



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include their exact location. Notification shall also be made to the sergeant of the patrol area.

11. In arrest situations, sheriffs cyclist shall request a motorized transport unit for the prisoner.
  - a. A sheriff cyclist shall not secure a prisoner to an object and leave him/her unattended.
  - b. The sheriff cyclist shall respond to the appropriate facility to process the arrestee at the earliest convenience in accordance with department policy.
12. During plainclothes operations, sheriff cyclist shall:
  - a. Wear helmets and protective eyewear.
  - b. Carry the minimum equipment required for plainclothes/undercover operations.
  - c. Use only bicycles approved by a certified mechanic and authorized for use by the department.
13. When leaving bicycles unattended, deputies shall, whenever possible, do the following:
  - a. Secure their bicycles with a locking device. Sheriff cyclist are not expected to secure their bicycles when the situation does not allow, as in a foot pursuit.
  - b. Secure the frame of the bicycle to an immovable stationary object.
  - c. Take all reasonable precautions to ensure that the bicycle does not obstruct pedestrian or vehicular traffic.
  - d. Remove and store any easily removable items.
14. If minor damage is sustained during the shift, the deputy shall notify the supervisor by the end of the shift. If substantial damage to the bike or injury to the deputy or a civilian is sustained, the deputy shall immediately notify the supervisor.
15. When not in use, all sheriff bicycle equipment shall be stored in a safe and secure area.

**355-2    TRAINING**

A. Initial Training:

1. Prior to riding a bicycle in an official capacity, candidates selected for duty with the bike unit must attend and pass a nationally recognized and standardized basic

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police bicycle course. Reasonable accommodations should be made where possible to attend within six months of selection to the unit.

B. In-service Training:

1. All deputies that conduct bike patrol must have documented, periodic training of at least 8 hours per year.
2. All deputies that conduct bike patrol shall qualify with their firearm and attend bicycle specific firearms training, in full bicycle gear, at least once per year.

355-3

**UNIFORM AND EQUIPMENT**

A. The authorized uniform for the bicycle unit shall consist of:

1. Green shorts or green pants as authorized by department S.O.P. (5.11 Tac Lite shorts or 5.11 Tac Lite pants, Mocean cycling pants or similar)
2. Tan uniform polo shirt as authorized by department S.O.P.
3. Athletic shoes which are mostly black in color, any branding or reflective material should be in subdued colors. Cycling specific shoes are also authorized as long as they meet the above criteria.
4. Sam brown or department approved nylon duty gear.
5. Black certified bicycle helmet.
6. Black safety gloves

B. Deputies assigned to the bike unit are authorized to wear the summer uniform year round.

355-4

**SUPERVISOR RESPONSIBILITIES**

- A. Supervisor duties and responsibilities will include, but are not limited to, sections described herein and all applicable definitions and responsibilities as stated in the department S.O.P.
- B. Sufficient bicycle maintenance and cleaning supplies will be made available by the supervisor.
- C. A written inventory of all departmental equipment, including bicycle serial numbers will be maintained.
- D. Ensure all maintenance and damage reports are assigned to a certified bicycle mechanic within one week of notification, and the bicycles are repaired in a reasonable amount of time.

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E. Ensure that equipment is replaced when damaged or used beyond repair.

Disciplinary action will be initiated if it is deemed that negligence was involved in the damaging of equipment.

Effective date: June 25, 2014

Effective date: June 25, 2014

Effective date: January 28, 2015

### 356 SIEZURE UNIT

It shall be the policy of the Sheriff's Department to seize all vehicles that are being driven by a repeat DWI offenders pursuant to Bernalillo County Ordinance 82-4.

#### RULES AND PROCEDURES

##### 356-1 ORDINANCE 82-4

Vehicle shall be seized by Deputies pursuant to County Ordinance 82-4 under the following circumstances.

1. The driver being stopped is operating a vehicle under the influence of intoxicating liquor and/or drugs, AND has at least one prior DWI conviction on their driving history as confirmed through NCIC.
2. The driver being stopped is operating a motor vehicle while possessing a revoked driver license (for DWI) pursuant to NMSA 66-8-122g.

##### 356-2 SIEZURE PROCESS

Upon determining that a vehicle will be seized, Deputies will do the following.

1. Deputies will complete a vehicle seizure form, a copy of which will be given to the arrested operator of the vehicle. The seizure form will be forwarded to the DWI seizure unit for inclusion in the seizure case files.
2. Notify radio that the wrecker to be dispatched is specifically a seizure and have the vehicle taken to the Seizure Lot at 2400 Broadway Blvd. SE.
3. Complete a tow slip/inventory for the vehicle.
4. Complete all required reports and paperwork for the incident and forward a copy to the Seizure Lot by the end of duty shift.
5. Following vehicle seizures, Deputies will be required to appear at any/all Seizure Hearing in addition to any Metro/District court and pretrial settings for their case.

##### 356-3 SIEZURE LOT OPERATIONS

1. All seized vehicles will be documented by Seizure Lot personnel for condition and inventory. Photos will be taken to verify the physical condition of the vehicle at the first opportunity.
2. Vehicles will be entered into the Seizure database and a file will be created on each.

Effective date: January 28, 2015

3. Appointment will be scheduled to allow for property returns when applicable.
4. Vehicles will be checked through NCIC.
5. When a vehicle is designated as a "long term" seizure, the vehicle will be moved to the Long Term holding lot at MDC.
6. Schedules will be created for released, boot agreements and payment acceptance for fines and fees.
7. Arranging transport of vehicles for auction when applicable; attending and overseeing the auction of vehicles.

Effective date: January 28, 2015



Effective date: January 28, 2015

Effective date: September 24, 2014

### **357 Metropolitan Air Support Unit**

The Metropolitan Air Support Unit (MASU) is an important component of the Bernalillo County Sheriff's Department which provides aerial assistance to support multiple missions to include, but not limited to, Patrol Operations, Search and Rescue, Special Operations, Fire Department Support, and Public Relations.

#### **DEFINITIONS:**

##### **CHIEF PILOT**

The Chief Pilot can be sworn or civilian and will have all the qualifications of a Pilot in Command but will also possess and maintain a Certified Flight Instructor (CFI) license.

##### **PILOT IN COMMAND**

A Pilot in Command (PIC) can be sworn or civilian and will possess and maintain all the certifications and licenses mandatory to comply with FAA regulations. The pilot in command is approved for single pilot operations following an endorsement from the Chief Pilot. To be a Pilot in Command of the UH-1H, the Chief Pilot must endorse that the pilot has passed minimum proficiency as defined in the Air Unit Standard Operating Guidelines. To be a Pilot in Command of the AS350B3, the pilot must pass the AS350 Transition Course or equivalent and be endorsed by the Chief Pilot as passing minimum proficiency as defined in the Air Unit Standard Operating Guidelines.

Pilots who meet the above general PIC requirements may have modified mission profiles based on training, experience, proficiency and skill level. (i.e. Daytime/nighttime ops, hoisting, fire bucket, etc.). These mission profiles will be at the discretion of the Chief Pilot and with approval from The MASU Commander.

##### **MECHANIC / LEAD MECHANIC**

Mechanics can be sworn or civilian and will possess and maintain an Airframe and Power Plant (A&P) Certificate.

The Lead Mechanic can be sworn or civilian and will have all the qualifications of a Mechanic but will also possess and maintain an A&P Certificate with Inspection Authorization.

##### **TACTICAL FLIGHT OBSERVER**

The Tactical Flight Observer (TFO) will be sworn personnel who will pass either the in-service TFO training course or similar course provided by a recognized outside provider.

Effective date: September 24, 2014

#### **GROUND SUPPORT**

Ground Support consists of any activity or duty that supports the safe and effective operation of the MASU, which includes, but not limited to: inventory control, refueling of aircraft, towing aircraft, hangar maintenance/cleaning, marshalling of aircraft, maintenance of support vehicles and equipment, forward deployment of MASU assets, basic cleaning and inspections of aircraft and equipment.

#### **EQUIPMENT SPECIALIST**

An equipment specialist consists of any flight crew member who is flying on the aircraft and operating specific equipment or fulfilling specific duties such as, but not limited to: Hoist Operator, Water Bucket Spotter, external/Internal load safety monitor and secondary FLIR operations.

#### **RULES AND PROCEDURES:**

##### **357-1 UNIFORMS**

A. Uniform for designated flight crew personnel shall consist of the following:

1. Issued green Nomex flight suit with Departmental shoulder patches, cloth name patch, cloth badge patch (sworn only).
2. Cotton or Nomex undershirt in white or black.
3. Nomex/leather or full leather gloves.
4. Issued brown leather, steel-toe boots.
5. Sworn personnel: issued vertical holster system along with the department issued G22 handgun, two reloading sources and a set of handcuffs.

B. Uniform for mechanics shall consist of the following:

1. Issued Dickies work shirt in tan with cloth name patch and cloth unit patch.
2. Issued Dickies work pant in green.
3. Issued brown leather, steel-toe boots.

C. Grooming standards:

1. Sworn personnel and civilian flight crew personnel shall maintain grooming standards in accordance with SOP Section 237, uniform appearance.
2. Civilian Mechanics shall maintain grooming standards in accordance with SOP section 237, Civilian Support Staff.

##### **357-2 LAUNCH PROTOCOLS**

A. MASU supervision will maintain fiscally responsible practices while utilizing air assets. The launch response protocols shall be adapted to reflect current limitations to budget, training, personnel and safety, and will be listed in the unit standard

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operating guidelines. The Air Unit Commander, or his designee, shall be responsible for authorization of aircraft launches.

B. Air Unit Commander authorization, or above, is required for the following launch criteria:

1. OEM requests for fire suppression or hoisting
2. Special events - public display, formation flights etc.

C. Sheriff's authorization, or designee, is required for the following launch criteria:

1. Any mission assisting an agency or flight outside of the Albuquerque metropolitan area.
2. Exceptions to this authorization are continued actions that originated in Bernalillo county or operations based on current MOU's.

**357-3 PERSONNEL**

- A. At all times during flight operations, the Pilot in Command (PIC) is in command of all personnel, regardless of rank or authority. The PIC has sole responsibility for determining whether a flight is safe or for cancelling flights they determine to be unsafe. The PIC's decisions and judgments regarding safe operation of the aircraft are final and are not subject to discipline
- B. The Department may designate one or more sworn or civilian personnel to any position within the unit as Department needs dictate. Those personnel will be provided the appropriate training, equipment and facilities needed to fulfill their assignment.
- C. MASU personnel will comply with all applicable Federal Aviation Administration regulations, Federal laws, State laws, local laws, Sheriff's Office Standard Operating Procedures and MASU directives and regulations.
- D. The MASU Supervisor will oversee the operations of the unit and will fall under the Field Services Division chain-of-command, unless otherwise directed.

**357-4 MASU COMMANDER DUTIES AND RESPONSIBILITIES**

**Qualifications:**

- A. Must be at minimum rank of Lieutenant unless in an "acting" authority.
- B. Must have least five (5) years of Field Services Division service, non-probationary time, as a Deputy. Equivalent work experience may be used for the difference.
- C. Must submit to random drug testing.

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**Duties:**

- A. Will work under direct supervision of the Field Services Division Captain.
- B. Will be familiar with the Departmental, Unit, and Federal Aviation Administration regulations, policies and procedures.
- C. Will direct the activities of personnel assigned to the Unit.
- D. Will insure that all Air Support Unit personnel comply with Departmental, Unit and Federal Aviation Administration regulations, policies and procedures.
- E. Will establish work schedules and coordinate all Unit operations.
- F. Will insure that all necessary equipment is available and properly used including personnel protective equipment.
- G. Will, if the need arises, identify potential problems and take appropriate action to correct and prevent recurrences.
- H. Will insure all forms of documentation are completed to include the Daily Flight Logs, training records, monthly statistical reports, and initial/supplemental offence reports.
- I. Will supervise the Unit maintenance program/contract.
- J. Will make recommendations to the Captain on procedures that would enhance the effectiveness of the Unit.
- K. Will perform additional duties as directed by the Chain of Command.
- L. Will in the absence of, or as directed by, the Captain, assume the responsibility for air unit related activities.

**357-5 MASU SUPERVISOR DUTIES AND RESPONSIBILITIES**

- A. Shall assist the MASU Commander in developing and maintaining the MASU budget by coordinating maintenance and operational planning with the Lead Mechanic and Chief Pilot.
- B. Shall be fiscally responsible when proposing any upgrades and/or changes in equipment, facilities or vehicles to the MASU Commander. Shall be fiscally responsible when approving advanced training.
- C. Shall ensure that MASU personnel are provided with sufficient training, equipment and facilities to perform their duties.
- D. Shall be responsible for the launch of either aircraft and ensure that such launches meet launch protocols established by the MASU Commander or are for approved special missions or training.

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- E. Shall ensure that the MASU hangar and similar work environments adheres to all City, County, and Federal regulations and industry standards for a safe work environment.
- F. Shall ensure that a written or electronic inventory of all departmental equipment, including but not limited to, spare parts, uniforms, safety gear and vehicles is properly maintained.
- G. Shall develop and maintain a duty roster and create assignments according to department needs. This also includes scheduling of part-time civilian employees for duty and training purposes.
- H. Shall ensure that all mandatory pilot and mechanic training requirements as well as certification/license requirements are met. Shall also oversee the in-service weekly training program.
- I. Shall ensure that all mandated criteria, rules and guidelines are adhered to pertaining to any grant, DoD 1033, DLA 1122 or similar program.
- J. May be required to perform additional duties or assignments that they are properly trained for at the direction of the MASU Supervision.
- K. Will be the point of contact and/or liaison to other units, departments, agencies, vendors and community groups.

**MECHANIC DUTIES AND RESPONSIBILITIES**

- 357-6** A. Shall maintain aircraft in accordance to Federal Aviation Regulations (FAR's), United States Army Standards and MASU guidelines.
- B. Shall conduct scheduled and unscheduled maintenance and inspections allowed under their current training / type rating or under direct supervision of qualified personnel.
- C. Shall maintain tools and equipment in good working order and comply with all calibration requirements.
- D. Shall maintain hangar and similar work environments to all City, County, and Federal regulations and industry standards for a safe work environment.
- E. May be required to perform additional duties or assignments that they are properly trained for at the direction of the MASU Supervision.

**LEAD MECHANIC DUTIES AND RESPONSIBILITIES**

- 357-7** A. Shall have all the duties and responsibilities of a mechanic.
- B. Shall ensure that all full time and part time mechanics possess and maintain appropriate certifications/licenses to conduct maintenance on the aircraft.

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- C. Shall evaluate and coordinate scheduled inspections and maintenance with the supervisor of the unit.
- D. Shall ensure that aircraft and related equipment inspection and maintenance records are originated and maintained.
- E. Shall coordinate approved specialized maintenance outside Sheriff's Department facilities.
- F. May be required to perform additional duties or assignments that they are properly trained for at the direction of the MASU Supervision

**PILOT IN COMMAND DUTIES AND RESPONSIBILITIES**

- 357-8 A. Shall be responsible for the aircraft, as well as equipment and personnel assigned to the aircraft during all flight operations.
- B. Shall operate the aircraft in a safe manner that enhances Sheriff's Department operations.
- C. Shall conduct pre-flight and post-flight checks of aircraft and equipment.
- D. Shall assist in keeping the aircraft clean and professional in appearance.
- E. Shall keep the supervisor informed of all matters pertaining to aircraft safety, malfunctions, usage, passengers or scheduling problems.
- F. Shall maintain hangar and similar work environments to all City, County, and Federal regulations and industry standards for a safe work environment.
- G. May be required to perform additional duties or assignments that they are properly trained for at the direction of the MASU Supervision.

**CHIEF PILOT DUTIES AND RESPONSIBILITIES**

- 357-9 A. Shall have all the duties and responsibilities of a Pilot in Command.
- B. Shall ensure that each full-time and part-time Pilot in Command possesses and maintains all appropriate certifications / licenses to safely operate the aircraft they are assigned to command.
- C. Shall develop and maintain a MASU in-service training program in coordination with the supervisor.
- D. Shall develop, maintain and instruct a pilot training program to the extent of available Sheriff's Department resources and limits of their CFI certification. Will coordinate this program with the

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supervisor and also coordinate any outside or specialized training needed to complete trainee's license or certificate.

- E. Shall ensure that all aircraft records and reports are completed and maintained.
- F. May be required to perform additional duties or assignments that they are properly trained for at the direction of the MASU Supervision.

**TACTICAL FLIGHT OBSERVER (TFO) DUTIES AND RESPONSIBILITIES**

**357-10**

- A. Shall be familiar with the assigned patrol areas, landmarks, obstacles and hazards.
- B. Shall be familiar with equipment, basic operating and flight procedures of the aircraft.
- C. Shall operate auxiliary equipment as required, to include but not limited to:
  - 1. Spotlight
  - 2. Thermal Imager (FLIR)
  - 3. Stabilized binoculars
  - 4. Camera
  - 5. Public address system
  - 6. Rescue hoist
  - 7. Public and police radios
- D. Shall initiate observation activities and respond to calls and direct tactical ground operations by working in close relationship with ground units.
- E. Shall communicate pertinent information in a proficient manner, exerting self-control and instilling professionalism in critical situations.
- F. Shall assist in keeping the aircraft clean and professional in appearance.
- G. Shall maintain hangar and similar work environments to all City, County, and Federal regulations and industry standards for a safe work environment.
- H. May be required to perform additional duties or assignments that they are properly trained for at the direction of the MASU Supervision.



Effective date: September 24, 2014

Effective date: September 24, 2014

Effective date: September 1, 2015

### **358 INTRA-NASAL NALOXONE**

This is a policy of the Bernalillo County Sheriff's Department (BCSD) for Deputies to assist any person(s) who may be suffering from an apparent opioid overdose, prior to the arrival of emergency medical responders. The purpose of this policy is to establish guidelines and procedures governing the administration of Intra-Nasal Naloxone (Narcan) to reverse the effects of opioids. The objective is to reduce the severity of injuries and fatalities due to opioid-involved overdoses when a Deputy arrives at the scene of a suspected overdose prior to the arrival of emergency medical services. This policy applies to all commissioned members of BCSD.

#### **DEFINITIONS:**

##### **ADMINISTRATION OF OPIOID ANTAGONIST**

The administration of an opioid antagonist by a person authorized pursuant to law or regulation.

##### **CARDIOPULMONARY RESUSCITATION (CPR)**

CPR is an emergency procedure performed in an effort to manually preserve intact brain function until further measures are taken to restore spontaneous blood circulation and breathing in a person who is in cardiac arrest. CPR involves chest compressions to create artificial circulation by manually pumping blood throughout a person's body and may also involve rescue breathing efforts by either exhaling into the subject's mouth or nose through a barrier device or using a device that pushes air into the subject's lung.

##### **DEPARTMENT**

The Bernalillo County Sheriff's Department.

##### **INTRA-NASAL NALOXONE (NARCAN)**

A prescription medication that can be used to reverse temporarily the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.

##### **COMPLETE KIT**

A complete kit will be considered a kit with two (2) full doses, including two (2) MAD devices, and protective gloves.

##### **NARCAN PROGRAM DIRECTOR**

The BCSD employee who manages the Intra-Nasal Naloxone program.

Effective date: September 1, 2015

#### **OPIOID**

A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress the activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, can cause people to stop breathing. First responders often encounter opioids and opiates in the form of morphine, methadone, codeine, heroin, fentanyl, and oxycodone.

#### **OPIOID ANTAGONIST**

A drug that nullifies in whole or part the effects of an opioid. The opioid antagonist is limited to Intra-Nasal Naloxone or other medications approved by the New Mexico Department of Health (DOH).

#### **OPIOID ANTAGONIST ADMINISTRATION PROGRAM**

An organized program to administer an opioid antagonist in accordance with this policy.

#### **OPIOID ANTAGONIST TRAINING PROGRAM**

A training program which prepares a person to administer an opioid antagonist. As shown by best practices or recommended by the New Mexico Department of Health for an opioid antagonist administration program.

#### **PHYSICIAN MEDICAL DIRECTOR**

A physician who is responsible for medical oversight of an opioid antagonist administration program, including providing for or ensuring the evaluation of medical protocols; overseeing quality assurance activities, and ensuring compliance with the New Mexico board of pharmacy requirements. With regard to storage and distribution of Naloxone kits to Deputies.

#### **TRAINED TARGETED RESPONDER**

A person who has completed an authorized opioid antagonist training program and who can administer an approved opioid antagonist.

#### **INDIVIDUAL AUTHORIZATION TO ADMINISTER OPIOID ANTAGONIST**

A person, other than a licensed health care professional permitted by law to administer an opioid antagonist, is authorized to administer an opioid antagonist to another person if he or she, in good faith, believes the other person is experiencing an opioid drug overdose and he/she acts with reasonable care in administering the drug to the other person. It is strongly recommended that any person administering an opioid antagonist to another person immediately call for emergency medical services.

Effective date: September 1, 2015

**RULES AND PROCEDURES:**

358-1

**ISSUANCE**

- A. Intra-Nasal Naloxone will be provided by the Physician Medical Director to Deputies upon completion of the training, in a clearly marked kit for intranasal administration. Each intranasal naloxone kit shall include:
1. Two (2) prefilled luer-lock syringes, without needles, each containing 2mg of Naloxone in 2ml of solution, and within their manufacturer assigned expiration dates;
  2. Two (2) Mucosal Atomizer Device (MAD) tips, compatible with standard luer-lock syringes;
  3. Instructions on overdose response and Naloxone administration.

358-2

**OVERDOSE RESPONSE AND USE OF INTRA-NASAL NALOXONE KIT FOR FIRST RESPONDERS**

- A. **Intra-Nasal Naloxone shall only be administered when it is safe to do so and only if the Deputy has been approved by the physician medical director as a "trained targeted responder."** The primary role of the Deputy is to provide a safe environment for him/herself, the public and emergency medical crews. In the event that a Deputy arrives on the scene of an unconscious subject whose condition may be caused by an opiate overdose, the Deputy should operate under standard operation procedures to ensure Deputy safety and that the scene is safe BEFORE considering the administration of Intra-Nasal Naloxone. Naloxone should not be administered unless a minimum of two (2) Deputies are on scene. Once the scene is safe, the Deputy shall call for Emergency Medical Services (EMS). If EMS has not arrived and their arrival is not expected within one to two (1-2) minutes, the Deputy should consider administering naloxone according to their training. Reference can be made to the *use of Intra Nasal Naloxone for overdose response* instructions and flow chart (Attachment A.)

358-3

**THE NALOXONE PROGRAM DIRECTOR SHALL**

- A. Be appointed by the Bernalillo County Sheriff from within the BCSD Administrative Services Division.
- B. Identify a physician medical director to oversee the opioid antagonist administration program.
- C. Select and identify Deputies as trained targeted responders.
- D. Maintain opioid antagonist administration training records for

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all trained targeted responders while they are active in the program, and for at least three (3) years thereafter.

- E. Maintain opioid antagonist administration program records, including opioid antagonist inventory records, trained targeted responder training records, and opioid antagonist administration program usage records.
- F. Ensure that all trained targeted responders are trained using an opioid antagonist training program, which shall be recommended by the Department of Health.
- G. Provide evidence of coordination of the opioid antagonist administration program with local EMS services and emergency dispatch agencies, including 911 dispatch agencies.
- H. Register the opioid antagonist administration program with the New Mexico Department of Health using the format outlined in *NMAC 7.32.7.12*.
- I. Report all administrations of an opioid antagonist to the New Mexico Department of Health and the physician medical director using the reporting format outlined in the Naloxone use Report (*Attachment B*).
- J. Assist the physician medical director with quality assurance review of all opioid antagonist administrations.
- K. Ensure that the opioid antagonist is maintained and stored in accordance with the manufacturer's guidelines.
- L. Notify local EMS of the activation and existence of the opioid antagonist administration program. The notification shall include:
  - 1. The name of the opioid antagonist administration's program director.
  - 2. The name of the physician medical director.
  - 3. The location of the program.
  - 4. The telephone number to reach the program director; and
  - 5. A copy of the medical director approved protocols.
- M. Notify local EMS in the event that the opioid antagonist

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administration program stops or cancels its operations.

N. Maintain a list of trained targeted responders.

O. Maintain dates of training for trained targeted responders.

P. Maintain copies of physician medical director approved protocols.

Q. Maintain copies of the physician medical director contract/agreement.

R. Maintain copies of registration and EMS service notification forms.

S. Maintain copies of opioid antagonist administration usage reports/data collection forms.

T. Maintain quality assurance review documentation; and

U. Maintain copies of opioid antagonist purchase and maintenance records.

**358-4**

V. A copy of the report shall be submitted to the Department of Health by the 10<sup>th</sup> day of the month following the month in which the opioid antagonist was administered.

**TRAINED TARGETED RESPONDERS SHALL**

A. Complete an initial opioid antagonist administration training program, which shall be recommended by the Department of Health.

B. At least every two (2) years, complete a refresher opioid antagonist administration training course from a Department of Health recommended training program.

C. Activate the EMS system during any response to a victim of suspected drug overdose, and advise that an opioid antagonist is being used.

D. Comply with physician medical director protocols for response to victims of suspected drug overdose.

E. Report all responses to victims of suspected drug overdose to the Department's Naloxone Program Director. After Naloxone has been administered, the trained targeted responder shall

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complete the Naloxone use report (*Attachment B*) and forward it to the Naloxone program director within 48 hours.

F. Ensure that the opioid antagonist and other supplies are maintained and used in accordance with the manufacturer's guidelines, and inspect the opioid antagonist expiration date at least monthly.

G. Advise supervisor of usage and dispatch.

H. Complete an incident report detailing the call where the naloxone was used and attach the naloxone usage report to the incident report. A copy of the incident report along with the Naloxone usage report shall be forwarded to the Naloxone Program Director at the end of the duty shift when it was administered. The Naloxone usage report will **NOT** be submitted to records with the original incident report.

358-5

**STORAGE AND REPLACEMENT**

A. Inspection of the intranasal naloxone kit shall be the responsibility of the Deputy and shall be conducted each month and note expiration date and condition on their monthly report.

1. Check the expiration date found on either the box or the vial.

2. Observe medication for any cloudiness in liquid or other indication of damage to the medications; and

3. Check condition of MAD device.

B. Naloxone will be stored in accordance with manufacturer's instructions avoid extreme cold, heat, and direct sunlight.

C. Missing, damaged or expired naloxone kits(s) will be reported directly to the on duty supervisor. The Deputy will then report the issue to the Naloxone Program Director who will coordinate with the Medical Director for a replacement naloxone kit.

D. Supervisors shall inspect the naloxone kits on a bi-annual basis and denote the equipment's condition in the vehicle inspection report.

E. If only one (1) dose in a kit is administered, a replacement kit will be requested.

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- F. Trained targeted responders are required to maintain the intra-nasal naloxone kit within their assigned unit at all times while on duty.

**REFERENCE**

- 358-8      A. Sections 24-23-1 and 24-23-2, NMSA, 1978.
- B. 7.32.7 NMAV, "Authorization to administer Opioid Antagonists".

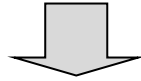
**ATTACHMENTS**

- A. Use of Naloxone Overdose Response Instructions/flow chart.
- B. Naloxone use report.

ATTACHMENT A

**BCSO Overdose Response with Naloxone**

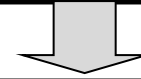
Determine Unresponsiveness  
No breathing or No normal breathing



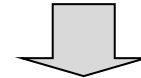
Advise Dispatch and  
Send second unit for Naloxone Kit



Initiate BCSO CPR protocol  
Retrieve or request AED



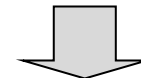
Have second unit administer  
First vial of Naloxone



If unresponsiveness continues  
Administer second vial of Naloxone



Continue CPR until EMS takes over  
Or the subject starts to move



Hand off to EMS  
For assessment and follow up

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ATTACHMENT B

Naloxone Usage Form Revised 09-10-2015 - Microsoft Word

**Bernalillo County Sheriff's Office**

**NALOXONE USAGE REPORT**



INCIDENT INFORMATION	
Date of Overdose:	Arrival time of officer:
Time naloxone administered:	Was EMS Called? YES NO
Amount of naloxone used:	Arrival time of EMS:
Was naloxone administered by anyone else at the scene?	YES NO
(check all that apply) EMS Bystander Other (specify):	
Was the individual resuscitated?	YES NO
Was rescue breathing performed?	YES NO
List all type(s) of drug(s) used by subject (if known):	
Estimated distance from nearest emergency department (Circle one of the following):	
0 to 5 miles	5 to 10 miles 10 to 15 miles > 15 miles
Clinical disposition of overdose incident (if known):	Person OK EMS
Emergency Room Hospitalization Deceased Unknown	
Zip code where overdose occurred:	
County where overdose occurred:	
City where overdose occurred:	
SUBJECT INFORMATION (if known)	
Name of person who administered naloxone:	
Address:	
Date of Birth:	Telephone #:
Gender: Male Female Unknown	
TRANSPORTATION OF SUBJECT	
Was the person transported to a clinical facility?	YES NO
Transporting Ambulance:	
Destination clinical facility:	
AGENCY INFORMATION	
Name of Deputy who administered naloxone:	
Deputy Main Number:	
Name of Agency:	
Agency Case Number:	

Revision Date 09-10-2015

Effective date: February 03, 2005

**SECTION III**

**OPERATIONS**

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**351 EVACUATIONS**

**352 EMERGENCY PREPAREDNESS NETWORK (REVERSE 911)**

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Effective date: February 03, 2005

Effective date: February 03, 2005

Effective date: February 03, 2005

Effective date: June 9, 2014

#### 400 REPORTS AND RECORDS

The Department shall provide an efficient and reliable reporting system and will report significant incidents that come to the Department's attention. All calls for service received through dispatch will be recorded through the CAD system regardless if the incident warrants an incident report. This will include citizens reports of crimes, general complaints, (ie: neighbor disputes, loud music calls, etc.) incidents resulting in personnel being dispatched, any self-initiated activity (criminal and non-criminal), and all incidents involving an arrest, a summons, or citation.

##### 400-1 RULES AND PROCEDURES:

**PERSONNEL OF THE DEPARTMENT WILL WRITE REPORTS UTILIZING THE STATE OF NEW MEXICO UNIFORM INCIDENT REPORT, SUPPLEMENTAL REPORT, AND CRASH REPORT FOR THE FOLLOWING:**

- A. All felonies, misdemeanors, petty misdemeanors, physical arrests, protective custodies, or any incident or warrant service resulting in an arrest.
- B. All suicides, attempted suicides, and calls for service involving a death.
- C. Incidents or information coming to their attention involving the violations of liquor laws.
- D. Any incident/accident in which property belonging to the County has been damaged, or in which property belonging to a sworn or non-sworn personnel acting within the scope of their duties has been damaged, or in which property of another has been damaged as a result of a sworn or non-sworn personnel acting within the scope of their duty, or whenever an injury is sustained by anyone as a result of the personnel acting within the scope of their duty.
- E. All child abuse or neglect incidents.
- F. All domestic violence incidents.
- G. All traffic accidents. The following procedures will be complied with when completing an accident report:
  - 1. A diagram will be submitted to accompany traffic accident reports involving **death, great bodily injury, and/or a County owned vehicle regardless of duty status, or when requested by a supervisor.**
  - 2. A diagram is defined as a line drawing based upon measurements taken at the accident scene.
  - 3. A sketch will be submitted to accompany traffic accident reports not involving **death, great bodily injury, or a**

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**county owned vehicle.**

4. A traffic template, straightedge, **CAD** and/or other device will be used to draw both sketches and diagrams.
  5. **Personnel will have persons involved in traffic accidents move their vehicle(s) if drivable, in order to ensure public safety or to facilitate the flow of traffic. A sketch will accompany the accident report.**
- H. Any incident of great magnitude or importance coming to the attention of Department personnel.
- I. Whenever directed to do so by a superior officer.

**400-2 REVIEW AND REJECTION OF REPORTS**

- A. Reports will be reviewed by the submitting person's supervisor. Reports will be made on appropriate forms and normally will be completed on Frontline, however, they may be completed using black ink if necessary (for trainees or if the computer system is down).
- B. Reports will be checked for accuracy, neatness, completeness, legibility, brevity, clarity, spelling, evidence handling, the presence of necessary elements of a crime, and for proper indication of location and type of premises. Any problems or omissions will be corrected prior to submission. The deputy will electronically submit the completed report and notify their supervisor that the report is awaiting approval. The supervisor will either electronically approve the report in Frontline or reject it for correction and notify the submitting deputy that it needs correction. If correction is needed the deputy will make the corrections and resubmit the report for approval. After approval the supervisor will print, log, and turn in all reports for their shift to records at the end of their shift.

**400-3 TIMELINESS OF REPORTS**

- A. All reports and corrections must be submitted at or before the end of the shift.
- B. Commanding officers may authorize the holding of a report for a period exceeding the above, where conditions warrant such a delay, unless the incident involves an arrest(s).
- C. Only original reports or documents which are intended to be part of a case file and which are not already a part of the file, will be turned in to the Records section for processing.

**400-4 ALTERATION OF ORIGINAL REPORTS**

- A. Original offense reports and accident reports cannot be

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altered after their acceptance by Report Review.

- B. Changes and/or corrections must be made by the completion of a supplemental report.

**400-5 REPORTS CONSIDERED PUBLIC RECORDS**

The following reports, including but not limited to supplements and statements maintained by the Records Section, are considered Public Records:

- A. All incident reports.
- B. All accident and traffic offense reports.
- C. All offense reports that are ordered open to the public by a court of competent authority.
- D. Offense reports where a child had died and the case is awaiting disposition in the criminal justice system.
- E. All offense reports in which the offender(s) are currently in the criminal justice system awaiting disposition.
- F. Offense reports where the case has resulted in a positive disposition for the state.
- G. Offense reports that involve a child as a witness or victim of a crime and the case is awaiting disposition in the criminal justice system.
- H. EXCEPTION(S) to E, F, & G : Cases where a child is the victim of neglect and/or abuse, or in need of supervision.

**400-6 RECORDS WITH LIMITED PUBLIC ACCESS**

Records maintained by the Records Section that have limited public access are as follows:

- A. Runaway reports. These reports may be released only to the child's parent(s), legal guardian, or their legal representative.
- B. Reports involving a child who is neglected, abused, or in need of supervision. These reports may be released only to the child, the child's legal representative, the parent(s), the child's legal guardian, the Human Services Department, Social Services Division, the victim(s), and/or the victim's legal representative.

**400-7**

**RECORDS CLOSED TO PUBLIC ACCESS**

This Department recognizes any defendant's right to discovery in a criminal case; however, the release of case files is a matter to be handled by the District Attorney's office and the

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courts. Records maintained by the Records Section that are considered closed to the public are as follows:

- A. All offense reports that result in a negative disposition such as "not guilty", "dismissed", "case not prosecuted", etc. This includes multiple offender cases where at least one offender receives a negative disposition.
- B. All children's cases where a child is listed as the subject of neglect, abuse, or in need of supervision.
- C. All reports or records closed to the public by court order.
- D. All medical, psychiatric, or psychological reports.
- E. Supplementary reports of criminal follow-up investigations, witness statements, undeveloped leads, or to other supporting reports WILL NOT BE RELEASED to victims, witnesses, suspects, defendants or their attorneys or agents.
- F. EXCEPTIONS; Lawful subpoena, court order, or confirmed written release by the District Attorney's Office. \*When a report is released as authorized above, a copy of the subpoena, order, or release will be filed with the original report\*

**400-8**

**ACCESS TO RECORDS BY OTHER AGENCIES**

Records maintained by the Records Section shall be provided, when requested, to law enforcement agencies, criminal justice agencies or their representatives, or other lawfully authorized agencies.

**400-9**

**RELEASE OF ARREST RECORD INFORMATION**

Chapter 29, Article 10 of New Mexico Statutes Annotated 1978 establishes procedures for the release and confidentiality of arrest records.

- A. Arrest record information may be released to employees of federal, state, or local criminal justice agencies and to the person named in the record or an authorized designee.



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**401 OFFENSE AND INCIDENT REPORT FORM INSTRUCTIONS**

The Department shall complete offense/ incident reports completely, and in accordance with established guidelines.

**401-1 OFFENSE/INCIDENT REPORT FORMS**

**A. Administrative Segment (Boxes Through 5)**

**BOX 1 REPORTING AGENCY (Required if not BCSD Report)**

For all BCSD reports, the writer will leave Box blank or enter BCSD. If reporting agency is not BCSD, the writer will print their agency name.

**BOX 2 DATE OF REPORT (Required)**

The writer will record the date on which the report is written. The date is a two digit numerical sequence representing month/day/year. (July 9, 1982 = 07/09/82)

**BOX 3 SERVICE NUMBER (Required)**

The service number is an eight digit number. The first two digits represent the year, and the last six digits represent the report number. Report Review will issue all service numbers, and in most instances, is responsible for entering it on the report. If Report Review issues a service number to the writer, the writer is responsible for entering it on each page of the report.

**BOX 4 CASE REFERRALS (Optional)**

If this case is related to other cases, the writer should enter the related case service number(s). In exceptional instances, Report Review or other personnel recognizing this case to be related to other cases, may enter the referrals.

**\*BOX 5 INCIDENT NUMBER (CAD) (Optional)**

\*Deputy's dispatched to a call in which a report is generated, should put the CAD event number in this box. In cases where multiple reports are generated, the CAD event number should be put on the primary report only. Subsequent reports will not require a CAD generated incident number. The report system will generate a unique incident number for each subsequent report.

**B. Event Segment (Boxes through 14)**

**BOX 6 CASE TYPE (Required)**

The writer will place an 'X' in the appropriate box which most accurately describes the nature of the report. If several offenses are in one report, check the box representing the most serious. Only one box may be checked:

Felony                      Defined by State Statutes

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Misdemeanor	Defined by State Statutes or local ordinance.
Incident	No crime committed, but an information report is written to document an event.
Evidence Only	A report written for the sole purpose of obtaining a service number for tagging evidence into the Evidence Room. This category will be used for non-BCSD reports.
Other	A limited use category used for describing an event not classified above. A common use of this category will be for lost or found items or safekeeping.

**BOX 7 OFFENSE OR INCIDENT (Required)**

The writer will enter an accurate descriptive title for all reports. In felony or misdemeanor reports, the writer should utilize correct terminology from State Statutes or local ordinances. For example, Criminal Sexual Penetration, not RAPE; Homicide, not MURDER. If the report covers several offenses, enter titles in order of seriousness with most serious first, and be sure that the report victim #1 matches offense #1 (e.g., if a Circle K is robbed and the clerk is murdered, the first listed offense is Homicide and the victim is the clerk. Robbery is listed second and the Circle K is entered on Page 4).

**BOX 8 LOCATION OF OCCURRENCE (Required F,M,I,O)**

The writer will enter the full and exact address of the event. If the event continues over some distance, enter address where the event began.

If there is a chain of events, enter the address dispatched to, and describe the relationship of addresses and events in narrative. The address may include street numbers, street names, street types, building numbers, apartment numbers, quadrant of City, State and Zip. If the event occurred in the City of , the writer may omit AlbuquerqueNM. If the event occurred in an intersection, enter the numerical address of the intersection and note the intersection in the narrative. DO NOT enter an intersection as an address (except for I-40 and I-25, or I-25 and I-40). DO NOT give business names or institutions for location. If the event occurred in a vacant lot or mesa area, enter the nearest address in Box and describe the location in the narrative. If the event occurred on the interstate, indicate which one, direction of travel, and nearest mile post (I-25 North at 150). If the event occurred at the Big I, enter first the interstate the event occurred on, followed by the intersecting interstate, and direction of travel. (I-40 and I-25 east, locates the event on I-40 at I-25 eastbound lane).

STREET TYPES

QUADRANT

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ST = Street	NE = Northeast	
BD = Boulevard		SE = Southeast
RD = Road		NW = Northwest
CT = Court		SW = Southwest
LN = Lane		
AV = Avenue		
DR = Drive		
PL = Place		
CR = Circle		
TR = Trail		
LP = Loop		
WY = Way		

**BOX 9 UNIFORM CRIME REPORT CODES (Records Use)**

Writer will not write in this box, records use only. These codes are the official Uniform Crime Report (U.C.R.) standard classifications. Up to four codes may be entered in order of the seriousness of the event. Changes to U.C.R. codes after Report Review's original coding must be justified by the person requesting the change on a supplement and then sent to Report Review for recording.

**BOX 10 HOW COMPLAINT WAS RECEIVED (Required F,M,I,O)**

The writer will place an 'X' in the appropriate box indicating how he was first notified of the event.

RADIO      Notified via Communication's dispatch or car to car radio transmission

ON VIEW    Observed by writer

CITIZEN    Writer notified by citizen directly (e.g., flagged down).

STATION    Complainant comes to the station or calls the station and a report is taken

**BOX 11 DATE(S) OF OCCURRENCE (Required F,M,I,O)**

The writer will enter the date on which the event occurred by month/day/year, in two digit numerical sequences in the "from" block. If the event occurred over two or more days or the exact date is unknown, establish the earliest and latest dates and enter the earliest date in the "from" block and the latest dates in the "to" block.

**BOX 12 TIME(S) OF OCCURRENCE (Required F,M,I,O)**

The writer will enter the exact military time the event occurred in the "from" block. If the event occurred over a period of minutes, hours, etc., or the exact time is unknown, establish the earliest and latest time and enter the earliest time in the "from" block and latest time in the "to" block. If both the

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"from" and "to" dates of occurrence (Box 11) were entered, then the "from" and "to" times must correspond to the "from" and "to" dates.

**BOX 13 DAY OF WEEK (Required F,M,I,O)**

The writer will enter the day of the week the event occurred using the first two letters of the day (MO = Monday, TH = Thursday). If the exact day is unknown or the event covers more than 24 hours, enter 'X'. If the event begins one day and ends the next, enter the beginning day.

**BOX 14 REPORT AREA (Required)**

The writer will enter the three digit BCSD beat code identifying the area where the event occurred for all reports where the event occurred in the jurisdiction of BCSD. If the reporting agency is BCSD, and the event occurred outside the jurisdiction BCSD, enter "out". For all reports where the reporting agency is not BCSD, the writer will enter "out".

**C. Victim Segment (Boxes 15 through 34)**

**BOX 15 VICTIM'S NAME (Required F,M)**

The writer will enter the victim's name by printing "last name" first, then the "first name" and "middle". If the victim is a business or firm, enter its legal name and business or firm number, if applicable. If victim has an AKA, enter it in parenthesis. If there are multiple victims, be sure victim in Box 15 matches the first (more serious) offense in Box 7.

EXCEPTION: Missing persons, runaways, and protective custodies will be put on the persons page (Page 3), with complete information. Box 24, person information, is required to be filled out.

**BOX 16 TIME DISPATCHED (Required F,M,I,O)**

The writer will record the exact military time he was notified of the event.

If the writer was "on view", enter time event was observed.

If writer was notified by "citizen", enter time notified.

If "station" report is written, enter the time you made contact with complainant.

**BOX 17 TIME OF ARRIVAL (Required F,M,I,O)**

The writer will record the exact military time he arrived at the scene.

If writer was "on view", enter time event was observed.

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If writer was notified by "citizen", enter time notified, unless, travel time to scene exceeds 59 seconds. If writer travels to scene, enter time of arrival at scene.

**BOX 18 TIME CLEARED (Required F,M,I,O)**

The writer will record the exact military time he left the scene. (Do not include report writing time other than that time spent at the scene on the report).

If "station" report is written, enter the time you completed the report.

**BOX 19 ORIGINALLY RECEIVED AS (Required F,M,I,O)**

The writer will enter an accurate descriptive title of the event as it was dispatched. If the writer was not dispatched, enter an accurate descriptive title of the event as observed or described. If Boxes 7 and 19 are the same, enter "same" in Box 19. For example, if dispatched to a residential burglary and the event turns out to be criminal damage to private property, enter criminal damage to private property in Box 7 and residential burglary in Box 19. Utilize all radio information to describe call as dispatched. Do not use the 10-code.

**BOX 20 ADDRESS (Optional)**

The writer will enter the exact address of the victim, if known, using the conventions established for Box 8 above.

If the victim is in the City of Albuquerque, the address is #1 Civic Plaza NW, 87102. If the victim is the BCSD Deputy, the address is 400 Roma NW, 87102.

**BOX 21 ADDITIONAL VICTIM (Optional)**

If there are several (more than one) victims, the writer will enter the number of additional victims; if there are no additional victims, leave blank. If the additional victims are individuals, enter them on page 3. If the additional victims are businesses or firms, enter them on page 4.

**BOX 22 DATE OF BIRTH (Optional)**

If the victim is a person, the writer will enter the Date of Birth, if known, in (Month/Day/Year) two digit numerical sequence. If victim gives a false D.O.B., enter it in parenthesis.

**BOX 23 AGE (Optional)**

If the victim is a person, the writer will enter age of the victim on their last birthday, if known. Enter it in parenthesis if false age is given.

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**BOX 24 RACE (Optional)**

If the victim is a person, then writer will enter race of victim, if known.

W = White  
O = Oriental  
S = Hispanic/Spanish  
I = Indian  
B = Black/Negro  
X = Other

**BOX 25 SEX (Optional)**

If the victim is a person, the writer will enter the sex, if known.

M = Male  
F = Female

**BOX 26 SOCIAL SECURITY NUMBER (Optional)**

The writer will enter the person's social security number, if known. If the social security number is found to be false, enter it in parenthesis.

**BOX 27 HEIGHT (Optional)**

The writer will enter the person's height, if known.

**BOX 28 WEIGHT (Optional)**

The writer will enter the person's weight, if known.

**BOX 29 HOME PHONE (Optional)**

The writer will indicate the exact home phone number of the victim, if known. If the victim lives outside New Mexico, include an area code. Include N for night, or D for day, indicating when the person can be reached (ex. 246-1234 D).

**BOX 30 WORK PHONE (Optional)**

The writer will indicate the exact work phone number of the victim, if known. If the victim works outside New Mexico, include an area code. Include N for night or D for day, indicating when the person can be reached (246-1234 D).

**BOX 31 VICTIM'S EMPLOYER/SCHOOL (Optional)**

The writer will enter the exact name and address of the victim's employer or school whenever possible.



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**BOX 32 INJURY CODES (Optional)**

In reports where the event led to an injury, the writer will place a mark in the box that best describes or indicates the injury or possible injury. In reports where the events could have led to injury, but there were no apparent injuries, place a mark in the "no apparent injury" box. If the event would not have led to an injury, leave blank.

**BOX 33 VICTIM TAKEN TO (Optional)**

If events led to injuries, the writer will indicate the disposition of the injured. If the injured goes to the hospital, doctor's office, care unit, etc., enter the name of destination. If he goes home or elsewhere, enter an adequate description of destination.

**BOX 34 TAKEN BY (Optional)**

If victim was transported, the writer will indicate who transported the victim to the location named in Box 33. If the victim takes himself, enter "self". If BCSD transported, enter Deputy's name and "BCSD". If rescue or ambulance transports, give name (e.g., Fire Department Rescue #4). If other individual (friend, relative, passerby) transports, enter their name.

**D. Reporting Person Segment (Boxes 35-42)**

**BOX 35 REPORTING PERSON (Required)**

The writer will enter the name of the person providing the information for the report. Enter "last name" first. If more than one person is providing information for the report, identify the primary individual in Box 35 and add additional persons providing information on page 3. If reporting person is the victim, enter "victim" in Box 35, and skip boxes 36-42. If victim is a business, do not enter "victim", a name will be required. If reporting person is unknown, enter "citizen" in Box 35 and skip boxes 36-42. If reporting person is the writer, enter "writer" in Box 35 and skip boxes 36-42. If reporting person is an on duty BCSD employee, (and not writer), enter the name in Box 35 and 400 Roma Avenue NW, 87102, in Box 40, skip Box 41, and complete Box 42. If reporting person has an AKA, enter it in parenthesis in Box 35.

**BOX 36 DATE OF BIRTH (Optional)**

Writer will enter the reporting person's Date of Birth, if known, in (month/day/year) two digit numerical sequence.

**BOX 37 AGE (Optional)**

Writer will enter the age of the reporting person on their last birthday, if known.

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**BOX 38 RACE (Optional)**

Writer will enter reporting person's race, if known.

W = White  
O = Oriental  
S = Hispanic/Spanish  
I = Indian  
B = Black/Negro  
O = Other

**BOX 39 SEX (Optional)**

Writer will enter sex of reporting person, if known.

F = Female  
M = Male

**BOX 40 ADDRESS (Optional)**

The writer will enter the exact address of reporting person, if known, using the conventions established for Box 8 above.

**BOX 41 HOME PHONE (Optional)**

The writer will indicate the exact home phone number of the reporting person, if known. If the reporting person lives outside New Mexico, include an area code. Include N for night or D for day, indicating when the person can be reached (ex. 246-1234 N)

**BOX 42 WORK PHONE (Optional)**

The writer will indicate the exact work phone number of the reporting person, if known. If the reporting person works outside New Mexico, include an area code. Include N for Night or D for Day, indicating when the person can be reached (ex. 246-1234 N).

**E. Modus Operandi (M.O.) Event Segment (Box 43)**

**BOX 43 MODUS OPERANDI EVENT INFORMATION (Optional)**

The writer will enter an "X" in each box that describes the event M.O. for all felonies when M.O. information is available for:

- \*Scene Codes (select one only)
- \*Tool Codes (select one only)
- \*Weapon Codes (select one only), if more than one weapon is used, describe the features of additional weapons in the narrative
- \*A. Target.
- \*B. Point of entry.
- \*C. Point of exit.
- \*D. Security measures used. (in operation at time of event)

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- \*E. Security measures attacked/disabled.
- \*F. Victim characteristics, location prior to attack.

In misdemeanor or other types of reports, the writer should enter M.O. information in all cases where the writer believes that the information could be used by personnel involving crimes. (Remember, if information is not entered, it cannot be used at a later date for establishing patterns). If possible, the writer should provide additional descriptive information in the narrative (p.4) to further describe or elaborate the M.O. Any number of boxes may be marked. The last box for each M.O. area is for writing in a description that may apply, but is not on the list.

**F. Report Synopsis Segment (Box 44)**

**BOX 44 REPORTING SYNOPSIS (Required)**

The writer will describe the elements of the crime or incident in narrative form. Ex:

- a. An Aggravated Burglary-Second Degree: The offender armed with a sawed-off shotgun, entered above residence with intent to commit a felony or theft therein.
- b. A Burglary-Third Degree: Offender entered above residence with intent to commit a felony or theft therein.
- c. An Aggravated Assault-Fourth Degree: Offender committed an assault by threatening the victim, while wearing a ski mask.
- d. An Assault-Petty Misdemeanor: Offender threatened or acted in a menacing manner so as to cause the victim to reasonably believe he was in danger of receiving an immediate battery.

If the report is for evidence only, enter "evidence only" and note the agency and any pertinent facts.

Do Not continue the report synopsis on page 4. Do Not combine the report synopsis and the narrative. Do Not use "see narrative" or "see supplement" in report synopsis.

**G. Factors/Status Segment (Boxes 45 and 46)**

**BOX 45 SOLVABILITY FORMS (Required F,M)**

The writer will indicate the availability of each solvability factor for all felony and misdemeanor reports by placing an "x" under yes, no, or unk. (unknown) for each factor.

YES INDICATES:

Suspect Named:	Definite name given.
Suspect Can be ID'd:	Victim or witness can visually identify the suspect.
Suspect Location Known:	Information gathered provides definite

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	address or can lead to location of suspect.
Witness To Crime:	Reliable witness identified.
Suspect Description:	Information provided by witness/victim is reliable and sufficient to aid in follow-up investigation in establishing identity.
Vehicle Information:	Sufficient vehicle/plate information provided for identification of vehicle.
Property Can be ID'd:	Property can be traced and if recovered accurately identified
Weapons Description:	Sufficient information provided to establish identity of weapon; usable physical evidence obtained.
M.O. Information:	A significant M.O. could be developed.

NO INDICATES:

The reverse of each of the above.

UNKNOWN INDICATES:

That there is insufficient information to determine the appropriate answer.

**BOX 46 INVESTIGATION STATUS (Required F,M)**

If the case is "Open", the writer will indicate who is following up the case by placing an "X" in the appropriate box.

Reporting Officer	Writer
-------------------	--------

Other Deputy	Any BCSD Deputy other than the writer.
--------------	--

Other Agency	Non BCSD agency (enter agency name).
--------------	--------------------------------------

If the case is "Cleared", the writer will indicate the cleared status by placing an "X" in the appropriate box.

Unfounded: A false report or mistaken belief on the part of the victim as to the validity of the report. No offense occurred or was attempted.

Cleared by Arrest: At least one person is arrested and charged.

Exceptionally Cleared: Investigation has definitely established the identity of the offender. There is enough information to support a charge, arrest, and to present to the Court for prosecution. Also that you know the exact location of the offender, and there is some reason outside police control that prevents you from arresting, charging, and prosecuting the offender.

General Examples of Exception Clearance:

- a. The offender is known, his location is known, he could be arrested, but the victim waives prosecution and the

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- Department approves.
- b. Suicide of the offender (the person responsible is dead).
  - c. Double murder (two persons kill each other).
  - d. Deathbed confession (the person responsible dies after making the confession).
  - e. Offender killed by police or citizen.
  - f. Confession by offender already in your custody or serving sentence (this is actually a variation of a true clearance by arrest - you would not "apprehend" the offender, but in most situations like this, the offender would be prosecuted on a new charge).
  - g. An offender is prosecuted in another city for a different offense by state or local authorities, or prosecuted in another city or state by the federal government for an offense which may be the same other (you attempt to return him for prosecution, but the other jurisdiction will not release to you).
  - h. Extradition is denied.

If the case is "Closed", the writer will indicate the closed status by placing an "x" in the appropriate box.

Investigation Completed: Investigation completed and no further action to be taken.

Prosecution Waived: The offender is unknown and victim does not want to prosecute and the Department approves. This does not clear the crime.

Pending Further Leads: Investigation completed and case is held inactive until additional information comes in to reopen the case.

**H. Personnel Called/Assisting Segment (Boxes 47 and 48)**

**BOX 47 PERSONNEL CALLED (Optional)**

The writer will place an "X" in each box indicating personnel he notified of this event. Use the "other" box to indicate other personnel notified by writer not listed above.

**BOX 48 ASSISTING OFFICERS (Optional)**

The writer will print name, title, and I.D. numbers for each assisting Deputy.

**I. Intent To Prosecute Segment (Box 49)**

**BOX 49 INTENT to PROSECUTE (Optional)**

There are four parts to this box.

The victim must read line one and check yes (if the victim does not understand, the Deputy must explain it to them).

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The victim must read line two. If they agree to prosecute, they must check yes, sign, date, and enter time. If they refuse to prosecute, then they must read the waiver (Part 3).

If the victim refuses to prosecute, they must read the waiver, sign, date, and enter the time.

If the victim refuses to prosecute, the Deputy's supervisor must either approve or disapprove the waiver and initial.

If the victim refuses to comply with this section, the writer will print "REFUSED" in large letters across the box.

**J. Signature Segment (Boxes 50 and 51)**

**BOX 50 PERSON SUBMITTING (Required)**

The writer must print last name and provide at least a first or middle initial, their title and I.D. number. Reports will not be accepted without writer's signature.

**BOX 51 SUPERVISOR (Required)**

The supervisor must print last name and provide at least a first or middle initial, their title and I.D. number. Reports will not be accepted without a supervisor's signature.

**A. Property Segment (Boxes 1 Through 18)**

**BOX 1 SERVICE NUMBER (Required)**

The service number is an eight digit number. The first two digits represent the year, and the last six digits represent the report number. Report Review will issue all service numbers, and in most instances, is responsible for entering it on the report. If Report Review issues a service number to the writer, the writer is responsible for entering it on each page of the report.

**BOX 2 PROPERTY CODES (Reference Box)**

\*The codes in Box 2 identify the reasons for listing property items. The writer will enter the appropriate code from Box 2 which best identifies the reason the property is being listed in Box 5. Note, embezzled property should be listed with an "F" for "Fail to Return".

**BOX 3 INSURED BY (Optional)**

The writer should ascertain (if appropriate) whether or not the property items are insured. If the items are all insured by the same company, the writer will enter the name of the insurance company here. If the items should have difference insurers, then enter the insurer matching each property item in Box 18.

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**BOX 4 OWNER APPLIED NUMBER (Optional)**

The writer should ascertain whether or not the property items have been marked with an owner applied number (e.g., Operation I.D.).

If the items have all been marked with the same number, the writer will enter that number in Box 4. If all items have been marked with separate numbers, then enter number matching each item in Box 18.

**BOX 5 PROPERTY CODE (Required if any item is listed)**

The writer will enter the appropriate code from Box 2 which best identifies the reason the property is being listed in Box 5.

**BOX 6 QUANTITY (Optional)**

The writer will enter the quantity of items per line.

**BOX 7 TYPE OF ITEM (Required if any item is listed)**

The writer will enter a descriptive name of the item.

**BOX 8 MAKE (Optional)**

The writer will enter the brand name or manufacturer of the item, if known.

**BOX 9 MODEL (Optional)**

The writer will enter the model name or number of the item, if known.

**BOX 10 SERIAL NUMBER (Optional)**

The writer will enter the serial number of the item, if known.

**BOX 11 COLOR (Optional)**

The writer will enter the color of the item, if known. If the item has more than one color, enter "mul" for multiple colors.

**BOX 12 VALUE (Required for stolen or embezzled items, optional)**

The writer will enter an estimated value of the item listed on this line.

**BOX 13 N.C.I.C. NUMBER (Records Use)**

The writer will not write in this box, Records use only.

**BOX 14 RECOVERED (Required for stolen or embezzled items, optional for other items)**

The writer will indicate whether or not the item was recovered by circling "Y" for yes, "N" for no.

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**BOX 15, 16, 17 TYPE CODE, MAKE CODE, MODEL CODE (Records Use)**

The writer will not write in these boxes, for Records use only.

**BOX 18 OTHER DESCRIPTION (Optional)**

The writer should note any further identifying information, numbers, or characteristics of the listed property.

**B. Vehicle Segment (Boxes 17 through 51)**

**BOX 17 VEHICLE CODES (Reference Box)**

The vehicle codes in Box 17 identify the reasons for entering the vehicle data into the report. The writer will enter the appropriate code in Box 19.

**BOX 18 VEHICLE TYPES (Reference Box)**

The vehicle type codes in Box 18 identify the type of vehicle being described in this segment. The writer will enter the appropriate code in Box 20. Reference style (Box 26) for further definition of vehicle types.

**BOX 19 VEHICLE CODE (Required if vehicle data entered)**

The writer will enter the appropriate vehicle code in Box 19.

**BOX 20 VEHICLE TYPE (Required if vehicle data entered)**

The writer will enter the appropriate code in Box 20. Reference style (Box 26) for further definition of vehicle types.

**BOX 21 YEAR (Optional)**

The writer will enter the last two digits of the vehicle manufacture year, if known.

**BOX 22 MAKE (Optional)**

The writer will enter the make (manufacturer) of vehicle, if known.

**BOX 23 CODE (Records Use)**

Writer will not write in this box, for Records use only.

**BOX 24 MODEL (Optional)**

The writer will enter the vehicle model, if known. The model name or number should represent the manufacturer's model designation and further defines the make, (e.g., Volare, Impala, Chevette, LTD, 280Z, Rabbit, Blazer, F100, Bronco, Jeep, Scout).



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**BOX 25 CODE (Records Use)**

Writer will not write in this box, for Records use only.

**BOX 26 STYLE (Optional)**

The writer will enter the style of the vehicle, if known. The style further defines the type of vehicle.

Truck styles include: Pickup, van or panel, flatbed, flatrack, bus, dump, fire ambulance, lunch wagon, motorized home, tractor truck, two, garbage, etc.

Motorcycle style include: Motorbikes, motor scooter, Moped, Mini-cycle, mini-bike, and motorcycle.

Construction equipment styles include: Bulldozer, backhoe, crane, shovel, scraper, welder, trenching, forklift, etc.

Trailer styles include: Boat, camper, flatbed, horse, house, livestock, semi, service, utility, motorcycle, snowmobile, travel, tanker, gondola, etc.

Farm and garden styles include: Farm tractor, hopper, fertilizer, spreader, self-propelled combine, riding lawnmower, or garden tractor.

Aircraft styles include: Single, twin, or multi (4 or more) engine jet and/or propeller.

Snowmobile and other styles include: Removable or non removable enclosed body and open body. These styles will apply to dune buggies, go and golf carts, and all terrain.

**BOX 27 CODE (Records Use)**

Writer will not write in this box, for Records use only.

**BOX 28 COLOR (Optional)**

The writer will enter the color of the vehicle, if known. Two color vehicles are entered as top color/bottom color. For example: white/red. Vehicles having more than two colors would be entered as "mul/col".

**BOX 29 INSURED BY (Optional)**

The writer will enter the insurer, if known.

**BOX 30 LICENSE NUMBER STATE, YEAR (Optional)**

The writer will enter the complete vehicle license information, if known, in license number/state/year format.

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**BOX 31 KEYS IN VEHICLE (Required for all stolen, embezzled, arrested, and towed vehicles).**

The writer will indicate whether or not keys are/were in the vehicle by circling 'Y' for yes, 'N' for no, or 'UNK' for unknown.

For other vehicle codes, keys in vehicle may be indicated if known and/or appropriate.

**BOX 32 VEHICLE IDENTIFICATION NUMBER (Optional)**

The writer will enter the Vehicle Identification Number (V.I.N.) if known.

**BOX 33 ENGINE NUMBER**

The writer will enter the engine number if known.

**BOX 34, 35 RECOVERED (Optional)**

If a vehicle is recovered, the writer will enter the date of recovery in Box 34 and the military time of recovery in Box 35.

**BOX 36, 37 TOWED (Optional)**

If a vehicle is towed, the writer will enter the date towed in Box 36 and the military time towed in Box 37.

**BOX 38, 39 LEFT AT SCENE (Optional)**

If the vehicle is left at the scene, the writer will enter the date in Box 38 and military time in Box 39 that the writer left the scene.

**BOX 40, 41 OTHER (Optional)**

If some other disposition of the vehicle is made, (e.g., spouse drove vehicle to destination), the writer will enter the date in Box 40 and military time in Box 41 that the vehicle left writer's control.

**BOX 42 LOCATION RECOVERED, TOWED FROM, OR LEFT AT (Optional)**

The writer will enter the address where the vehicle was recovered, towed from, or left at.

**BOX 43 TAKEN TO (Optional)**

If the vehicle is towed from the scene, the writer will enter the address to which the vehicle is towed. If the owner of the vehicle is removing it from the scene, enter the address owner is taking vehicle to, if appropriate, or "destination".

**BOX 44 TAKEN BY (Optional)**

If the vehicle is removed from the scene, the writer will enter

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the name of the person removing the vehicle. If the vehicle is being towed, the writer will enter the name of the towing company.

**BOX 45 LIEN HOLDER, IF ANY (Optional)**

If the vehicle is stolen or embezzled, the writer should determine if there is an outstanding lien on the vehicle and enter the lien holder in Box 45. For other vehicle codes, lien holder should be entered, if known and appropriate.

**BOX 46 REPOSSESSED (Optional)**

For all stolen vehicles, the writer must indicate the possibility of the vehicle having been repossessed by circling 'Y' for yes, 'N' for no, or 'UNK' for unknown. For other vehicle codes, repossessed status should be entered, if appropriate.

**BOX 47 VALUE (Optional)**

For all stolen or embezzled vehicles, the writer must enter the estimated value (average retail) of the stolen or embezzled vehicle. For other vehicle codes the value should be entered, if appropriate.

**BOX 48 OWNER IDENTIFIED (Optional)**

The writer will indicate whether or not the vehicle owner was notified, if appropriate, by circling 'Y' for yes, 'N' for no, or 'UNK' for unknown.

**BOX 49 N.C.I.C. NUMBER (Records Use)**

Writer will not write in this box, for Records use only.

**BOX 50 IDENTIFYING CHARACTERISTICS (Optional)**

The writer will enter any useful description of damage or characteristics of the vehicle, if appropriate.

**BOX 51 PERSON RECOVERING, TOWING OR LEAVE THE SCENE, AGENCY, IDENTIFICATION NUMBER (Optional)**

The writer will print the name (last, first), agency, identification number of the person recovering the vehicle, towing the vehicle, or responsible for leaving it at the scene Box 51.

**C. Person Segment (Boxes 1 through 24)**

**BOX 1 SERVICE NUMBER (Required)**

The service number is an eight digit number. The first two digits represent the year, and the last six digits represent the

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report number. Report Review will issue all service numbers, and in most instances, is responsible for entering it on the report. If Report Review issues a service number to the writer, the writer is responsible for entering it on each page of the report.

**BOX 2 PERSON CODES (Required if person data entered)**

The codes in Box 2 identify the reasons for entering person information into the report. The writer will enter, in Box 4, the appropriate code from Box 2 for each entry. The letter in Box 4 associates the person on that line with the information in Box 24.

**BOX 3 RACE/ETHNIC CODES (Optional)**

The codes in Box 3 identify the race/ethnic description of persons entered into the report. The writer will enter the appropriate code for each entry in Box 8, if known.

**BOX 4 PERSON CODE (Required if person data entered)**

The writer will enter the appropriate code from Box 2 which best identifies the reason the person is being listed in Box 4.

**BOX 5 NAME (Optional)**

The writer will enter the person's names by printing "last name" first, then the "first name" and "middle", if known. If the person has an AKA (also known as), enter it in parenthesis in Box 5.

**BOX 6 DATE OF BIRTH (Optional)**

The writer will enter the person's date of birth, if known, in (month/day/year) two digit numerical sequence. If the person provides false D.O.B. information, enter it in parenthesis.

**BOX 7 AGE (Optional)**

The writer will enter the person's age, on last birthday, if known.

**BOX 8 RACE (Optional)**

The writer will enter the appropriate code from Box 3 which best identifies the person being listed in Box 5.

**BOX 9 SEX (Optional)**

The writer will enter the sex of the person, if known.

**BOX 10 SOCIAL SECURITY NUMBER (Optional)**

The writer will enter the person's social security number, if known. If a false social security number is given, enter it in parenthesis.

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**BOX 11 HEIGHT (Optional)**

The writer will enter the person's height, if known, in feet and inches. For example, 602 or 6'2". If false height is given, enter it in parenthesis.

**BOX 12 WEIGHT (Optional)**

The writer will enter the person's weight, if known. Enter false information in parenthesis.

**BOX 13 HAIR (Optional)**

The writer will enter the color of the person's hair, if known. Enter false information in parenthesis.

**BOX 14 EYES (Optional)**

The writer will enter the color of the person's eyes, if known. Enter false information in parenthesis.

**BOX 15 PANTS/SKIRT (Optional)**

The writer will enter the color of the person's pants/ skirt, if known.

**BOX 16 SHIRT/BLOUSE (Optional)**

The writer will enter the color of the person's shirt/ blouse, if known.

**BOX 17 SHOES (Optional)**

The writer will enter the color of the person's shoes, if known.

**BOX 18 ARREST NUMBER OR MISDEMEANOR CITATION NUMBER (Required if person arrested or cited)**

The writer will enter the arrest number of the person being arrested (given at BCDC). If booked at the Batmobile enter "BAT", or "JUV" for a juvenile that has been arrested.

If the person is issued a misdemeanor citation(s), the citation number(s) will be entered in Box 18. (i.e. CIT. NO. XXXXX.)

**BOX 19 ADDRESS (Optional)**

The writer will enter the exact address of the person, if known, using the conventions established for Box 8, PAGE 1 listed above (Location of occurrence).

**BOX 20 HOME PHONE (Optional)**

The writer will indicate the exact home phone number of the person, if known. If victim lives outside New Mexico, include an area code. Include N for night, or D for day, indicating when

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the person can be reached.

**BOX 21 WORK PHONE (Optional)**

The writer will indicate the exact work phone number of the person, if known. If the victim works outside New Mexico, include an area code. Include N for night, or D for day, indicating when the person can be reached.

**BOX 22 EMPLOYER/SCHOOL (Optional)**

The writer will enter the exact name and address of the person's employer or school, if known.

**BOX 23 OTHER INFORMATION (Optional)**

The writer will enter additional information, whenever possible, that will aid in identifying or locating the individual. The writer should also enter any warrant numbers, if appropriate.

**BOX 24 PERSON INFORMATION (Required if person data entered)**

This information further describes the person(s) listed above. The writer will mark the appropriate boxes for all individuals for all case types. The information describes:

- K.        Actions
- L.        Voice, Speech
- M.        Hair, Face, Eyes
- N.        Teeth
- O.        Scars, Marks, Tattoos;
- P.        Appearances of the person(s).

Each column A-E is associated with each person A-E from Box 4. Please note that there are general descriptions and that after marking the appropriate boxes, the writer will provide a full description in the narrative. For example, if a suspect had "MOM" tattooed on his neck, the writer would mark numbers 2 and 11 under part K (scars, marks, tattoos) and indicate the exact description "MOM" tattooed on neck in narrative. This information will be used to build a name file with associated characteristics for future reference. Please collect reliable data on all persons. Today's witness or victim may be tomorrow's suspect.

**A. Narrative Segment (Boxes 1 Through 7)**

**BOX 1 SERVICE NUMBER (Required)**

The service number is an eight digit number. The first two digits represent the year, and the last six digits represent the report number. Report Review will issue all service numbers, and in most instances, is responsible for entering it on the report. If Report Review issues a service number to the writer, the writer is responsible for entering it on each page of the report.

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**BOX 2 NARRATIVE (Optional)**

This is the narrative portion of the Bernalillo County Sheriff's Department Offense/Incident Report. All pertinent information the writer feels is necessary is to be listed in this area in regard to the specific offense/ incident the writer is reporting about. The writer's handwriting should be clear, concise and free of grammatical errors.

**BOX 3 PERSON SUBMITTING (Required if Narrative Portion is Used)**

The writer must print last name and provide at least a first or middle initial, their title and I.D. number. Reports will not be accepted without writer's signature.

**BOX 4, 5 DISTRIBUTION, DATA CLERK (Records Use)**

The writer will not write in these boxes, for Records use only.

**BOX 6 SUPERVISOR (Required if Narrative Portion is Used)**

The supervisor must print last name and provide at least a first or middle initial, their title and I.D. number. Reports will not be accepted without a supervisor's signature.

**BOX 7 STAFF REVIEW (Records Use)**

The writer will not write in this box, for Records use only.

**A. Supplements**

**BOX 1 SERVICE NUMBER (Required)**

The service number is an eight digit number. The first two digits represent the year, and the last six digits represent the report number. Report Review will issue all service numbers, and in most instances, is responsible for entering it on the report. If Report Review issues a service number for an original offense/incident report to the writer, the writer is responsible for entering it on each page of the original report as well as the supplemental report(s).

**BOX 2 CASE REFERRALS (Optional)**

The writer should enter any related case service numbers if known. Report Review or other personnel may, if known, enter other case referral service numbers.

**BOX 3 DATE OF ORIGINAL REPORT (Optional)**

The writer will enter the date that the original report was written. If this is a continuation of the initial or original report, this date may be omitted. If omitted, Box 8 (Reason for Supplement) should be marked to indicate that this supplement is a continuation of the original report.

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**BOX 4 DATE OF THIS REPORT (Required)**

The writer will enter the date on which this report is written.

**BOX 5-15 VICTIM INFORMATION (Required F,M)**

The writer will enter the victim's name in Box 7. Other related victim information should be entered in the appropriate boxes when known and available. Victim information entered on this supplement report will be utilized to verify (or match) the supplement report to the original report and to update victim information not indicated or available when the original report was written.

**BOX 16 OFFENSE OR INCIDENT (Required)**

The writer will enter an accurate descriptive title for the report. Normally the title or titles entered on this supplement report will be the same as those entered on the original report. Offense or incident titles which are different than those indicated on the original report, if justified (e.g., aggravated assault is now a homicide) will cause re-classification as per the Uniform Crime Reporting (U.C.R.) System.

**BOX 17 LOCATION OF OCCURRENCE (Required F,M,I,O)**

The writer will enter the full and exact address of the event utilizing the address format established for the original reports location of occurrence. An address, when entered on this supplement, which is different than that of the original report, will cause the original location of occurrence to be changed.

**BOX 18 REASON FOR SUPPLEMENT (Required)**

The writer will place a mark in the box which best indicates the reason why this supplement is being submitted.

Continuation of Original Report.

The writer should mark this box if this supplement form is being utilized to continue writing the initial or original report due to lack of space on the original report form, (e.g., additional narrative, more than one vehicle needs to be identified and reported when the initial report is written, or more property items need to be listed than what the report property segment provides space for).

Supplement/New Information

The writer should mark this box if this supplement form is being utilized to continue writing the initial or original report because of lack of space on the report form, (e.g., after follow-up investigation, a new suspect is identified or you now have new information on a given suspect such as his name, date of birth, height, weight, etc. You now have new information related to a



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previously reported and/or not previously reported person, vehicle or property item. You want to document in narrative form new information related to an investigation and/or to further describe a person, vehicle or property item).

Supplement/No New Information-Investigation Continuing

The writer should mark this box if this supplement is being used to report the progress and/or status of a given investigation. A narrative supplement form will always be used for this type of reporting. If this box is marked, the investigation status Box 20, "Open-continuing", must be marked.

Supplement/Corrections to Report

The writer should mark this box if this supplement is being used to correct any information which was previously reported. Information being corrected related to persons, property, vehicles and/or narrative should be so noted and described on the narrative side or page of this supplement. (e.g., if you are correcting the date of birth of a suspect, using the person supplement form, enter all the available suspect information as previously reported in the appropriate boxes with the correct date of birth. Then, using the narrative side of the supplement, indicate that the suspect's date of birth should be changed from 01/30/83 to 10/30/38).

**BOX 19 SUPPLEMENT BY (Required)**

The writer will place a mark in the box which best indicates who is submitting this supplement.

**BOX 20 INVESTIGATION STATUS (Required F, M)**

The writer will indicate the case status by placing a mark in the appropriate box. The status indicated on this supplement will update the current case status which is used for informational and reporting purposes.

**BOX 21 SOLVABILITY FACTORS (Optional)**

The writer will indicate the availability of each solvability factor for all felony and misdemeanor cases by placing a mark under YES, NO, or UNK. for each factor as it applies to the information reported in this supplement.

**BOX 22 SUPPLEMENT INFORMATION (Required)**

The writer will enter all information as required, needed and/or available as per the supplement report used. The entry specifications and requirements are the same as those of the original report and related segment. Information indicated on the supplement reports will be utilized to update the original report information. All supplement report form Boxes 1 through 21 are the same and should be completed by the writer as noted

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above. The following report information blocks or boxes will appear at the bottom of each supplement, but will have different box numbers depending on the supplement used.

**PERSON SUBMITTING REPORT (Required)**

The writer must print last name and provide at least a first or middle initial, their title and I.D. number. The person submitting must have their name, title and I.D. number on each page or side of the supplement if any information is entered on that page.

**SUPERVISOR APPROVING REPORT (Required)**

The supervisor must print last name and provide at least a first or middle initial, their title and I.D. number. Reports will not be accepted without a supervisor's name, title and I.D. number on each page or side of the supplement which has any information entered on it.

**DATA CLERK (Records Use)**

The data entry clerk will stamp or write their initials denoting who entered the report information onto the computer.

**REPORT REVIEW (Records Use)**

Records will stamp or enter their initials denoting who checked the report for accurate and complete information.

**PAGE OF (Required)**

The writer will enter the appropriate page number and number of pages their report contains.

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**402 MED RETURN DRUG COLLECTION UNIT DROP BOX**

The Med Return Drug Collection Unit Drop Box is an initiative of the Bernalillo County Sheriff's Department and is an important component of the Department's efforts to halt the diversion and abuse of prescription drugs. Under this initiative, the Department will provide a lockable metal box for the public to dispose of prescription medications. This initiative prevents unused medications from falling into the hands of those whom may abuse them, and it keeps the medications from being flushed into the water supply. This Drop Box will be secured and located at the South Valley Command Center and available to the public Monday thru Friday from 0800 to 1600.

**DEFINITIONS:**

Drop Box

Refers to the secured metal Med Return Drug Collection Unit box, provided by the Sheriff's Department in order to enable members of the public to safely and securely dispose of their unused, household prescriptions drugs.

Medications

Refers to household prescription drugs, prescription patches, prescriptions, prescription ointments, over-the-counter medications, vitamins, samples and medications for pet's deposited by members of the public into the Med Return Drug Collection Unit.

**402-1 NOT REGARDING DEPARTMENT PERSONNEL WHO ARE, OR MAY BE PREGNANT**

According to the U.S. Centers for Disease Control and Prevention, certain medications may cause serious birth defects and should be avoided by all women who are or may become pregnant.

When making staffing decision related to the Drop Box, the Department must be aware of the concern that certain medications are not to be handled by women who are pregnant or who might become pregnant.

**402-2 INSTALLATION OF THE DROP BOX**

The Department will install at the South Valley Area Command Center in a location that meets the security and public access needs.

**402-3 SECURITY NEEDS**

A. The Drop Box must be located so that members of the public will not have access to the Box, without being visible to on duty Department personnel who are given instruction in

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how to immediately respond if any individual attempts to damage the box, steal its contents, ect.

- B. The Drop Box must be bolted to the floor and must be locked at all times.
- C. The Drop Box must remain locked, and the key kept in a secure area within the Department at all times except when the Drop Box is being emptied and its contents removed to the safe for secure storage and eventual destruction by the Drug Enforcement Agency (DEA).

**402-4 MATERIALS ACCEPTED INTO THE DROP BOX**

- A. The Drop Box accepts household medications only.
- B. The Drop Box accepts pills, capsules, patches, and pet medications.
- C. The Drop Box does not accept mail, trash, syringes, or liquids.

**402-5 REMOVAL, STORAGE, AND DESTRUCTION OF MEDICATION PLACED IN THE DROP BOX**

- A. The Department will ensure safety, security and accountability throughout its custody of medications deposited in the Drop Box - including the process by which medications are removed from the Drop Box; the process by which they are placed and kept in a secured storage area and safe, and the process by which they are picked up for destruction.
- B. The Departments designee (the Area Commander) will keep a log to record the data and time of each activity such as emptying the Drop Box; the process by which they are placed and kept in a secured safe; and the process by which they are picked up by DEA for destruction.
- C. The log will be signed by the Area Commander who conduct these activities, as well as by the DEA official whom takes responsibility for the destruction of the medications.
- D. The Area Commander will keep copies of these logs secured in the safe.

**402-6 REMOVAL OF MEDICATIONS FROM THE DROP BOX**

- A. The Department must ensure that law enforcement personnel empty the Drop Box on a regular basis. This must be done as often as necessary to prevent the Drop Box from becoming so full, that a member of the public would be able to reach inside the box and remove any contents. It also must be done to ensure that the Drop Box looks professional and attractive.

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- B. Due to medications in the Drop Box creating dust, it is recommended that the Area Commander removing the medications wear gloves and a dust mask when removing materials from the box.
- C. The process of removing medications from the Drop Box will consist of the following steps:
  - 1. The Area Commander and an additional supervisor will be present when the Drop Box is opened and emptied.
  - 2. After removing its contents, the supervisors will close and lock the Drop Box, and return the key to the secure keeping place.
  - 3. The Area Commander and supervisor will immediately take the contents of the Drop Box to the secured safe, in which the medications will be stored prior to their ultimate destruction.
  - 4. The contents of the Drop Box will be sealed in an evidence bag.
  - 5. The Area Commander will weigh the contents of the Drop Box.
  - 6. The contents will be secured and locked in the safe located in the evidence room.
  - 7. The Area Commander will accurately record these activities in the Drop Box log and sign the log.
  - 8. The Area Commander will then contact their local DEA office to arrange a date and time for the pickup and ultimate destruction of the medications.

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**BERNALILLO COUNTY SHERIFF'S DEPARTMENT**

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